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Initial reports of States parties due in 1996

# UZBEKISTAN

[2 June 1999]

TABLE OF CONTENTS

| | Paragraphs | Page |
|---|---|---|
| Introduction | 1 - 5 | 4 |
| I. GENERAL INFORMATION | 6 - 55 | 5 |
| A. Country and people | 6 - 12 | 5 |
| B. Overall political structure | 13 - 29 | 6 |
| 1. The legislature | 19 - 20 | 7 |
| 2. The executive | 21 - 24 | 7 |
| 3. The judiciary | 25 - 26 | 7 |
| 4. Local authorities | 27 - 29 | 8 |

TABLE OF CONTENTS (continued)


| | Paragraphs | Page |
|---|---|---|
| C. General legal foundation protecting human rights in Uzbekistan | 30 - 49 | 9 |
| 1. Constitutional guarantees of human rights and freedoms | 30 - 35 | 9 |
| 2. Protection of human rights and freedoms by the courts: the system of administration of justice and the independence of judges | 36 - 41 | 9 |
| 3. Supervising the implementation of human rights legislation | 42 - 43 | 10 |
| 4. National machinery for monitoring the situation regarding the protection of human rights | 44 - 49 | 11 |
| D. Information and publicity | 50 - 55 | 12 |
| II. IMPLEMENTATION OF THE COVENANT'S PROVISIONS | 56 - 376 | 13 |
| Article 1 Normative instruments governing the right to self-determination | 56 - 61 | 13 |
| Article 2 State observance of and respect for the rights recognized in the International Covenant on Civil and Political Rights | 62 - 85 | 15 |
| Article 3 Ensuring the equality of the civil and political rights of men and women | 86 - 112 | 18 |
| Article 4 Conditions in which citizens' rights and freedoms may be restricted | 113 - 115 | 23 |
| Article 5 Prohibition of any unwarranted restriction of citizens' rights | 116 - 132 | 23 |
| Article 6 Ensuring the right to life as an inalienable human right | 133 - 144 | 26 |
| Article 7 Prohibition of torture and cruel treatment or punishment | 145 - 170 | 28 |
| Article 8 Prohibition of slavery and the slave trade | 171 - 173 | 32 |
| Article 9 Ensuring the right to freedom and inviolability of the person | 174 - 189 | 33 |
| Article 10 Humane treatment of persons deprived of their liberty | 190 - 192 | 39 |

TABLE OF CONTENTS (continued)


| | | Paragraphs | Page |
|---|---|---|---|
| Article 11 | Prohibition of arbitrary imprisonment for failing to fulfil a contractual obligation | 193 - 194 | 40 |
| Article 12 | The right to liberty of movement and freedom to choose one's residence | 195 - 200 | 41 |
| Article 13 | Grounds for expelling aliens | 201 - 208 | 42 |
| Article 14 | Equality of citizens before the law | 209 - 216 | 43 |
| Article 15 | Determining the criminality and punishability of unlawful acts | 217 - 220 | 45 |
| Article 16 | Legal personality of citizens | 221 - 234 | 45 |
| Article 17 | Inviolability of the person | 235 - 243 | 47 |
| Article 18 | Ensuring freedom of conscience | 244 - 271 | 48 |
| Article 19 | Exercise of freedom of thought and opinion | 272 - 279 | 53 |
| Article 20 | Prohibition of propaganda for war | 280 - 282 | 54 |
| Article 21 | Freedom of peaceful assembly and grounds for restricting it | 283 - 284 | 54 |
| Article 22 | Freedom of association | 285 - 300 | 55 |
| Article 23 | Socio-legal care and protection of the family | 301 - 314 | 57 |
| Article 24 | Protection of children's rights and freedoms | 315 - 334 | 60 |
| Article 25 | Prohibition of discrimination in the exercise of civil and political rights | 335 - 356 | 63 |
| Article 26 | Equality of rights before the law | 357 - 358 | 67 |
| Article 27 | Rights of minorities | 359 - 376 | 67 |

Annexes

1. WORKING GROUP FOR THE PREPARATION OF THE NATIONAL REPORT . . . . . 72

2. NATIONAL AND GOVERNMENTAL REVIEW BODIES . . . . . 73

## Introduction

1. Having gained its independence and set out on a path of transformation and reform, Uzbekistan has achieved significant successes in the observance and protection of human rights and freedoms. A legislative system of human rights legislation comprising more than 100 laws and normative acts has been built up since independence. The nucleus of Uzbek human rights legislation is the Constitution and the international standards set out in the Universal Declaration of Human Rights and other international legal documents in this area.

2. A system of national human rights institutions has been set up, including State organizations: the Office of the Ombudsman (Commissioner for Human Rights of the Oliy Majlis (Parliament)), the National Centre for Human Rights of the Republic of Uzbekistan and the Institute for Monitoring Current Legislation, and non-governmental organizations: the Centre for the Study of Public Opinion, the Committee for the Protection of the Rights of the Individual, and professional lawyers' and judges' associations.

3. An active process of integrating efforts to develop democratic procedures in the country is under way. Uzbekistan has so far adhered to more than 40 international instruments in the field of human rights, and work has begun on fulfilling the obligations assumed under them. The Government of Uzbekistan is implementing a programme entitled "Democratization, human rights and improvement of the system of government in Uzbekistan" together with the United Nations Development Programme (UNDP), and has signed a Memorandum of Understanding with the Bureau for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE).

4. Experience in the development of democracy in Uzbekistan has shown that human rights is a psychological value of the Uzbek people and an integral part of the national understanding of peace - an indicator of the development of the people's spirit and its organic link with the world legal culture. Independence has shaped society's need for the development of human rights, as reflected in the population's growing social activity. More than 200 non-governmental organizations (NGOs) are in active operation in the republic, and the traditions of people's self-government - the makhalla - are being revived.

5. It may be concluded from the above that this is not a short-lived campaign but a long-term, priority policy determining the development of Uzbekistan on the eve of the twenty-first century. The present report has been prepared by the National Centre for Human Rights of the Republic of Uzbekistan. It draws on information received from the competent ministries and departments, and from a number of NGOs concerned with problems of protecting human rights.
CCPR/UZB/99/1

# I. GENERAL INFORMATION

## A. Country and people

6. The Republic of Uzbekistan became independent on 1 September 1991. Its capital is Tashkent. The country has a total area of 447,400 km$^2$ and comprises the Republic of Karakalpakstan, 12 provinces and the city of Tashkent, 121 towns and 163 rural districts. The population at the beginning of 1998 numbered 23.8 million, of whom 9 million (39.2%) were town dwellers and 14.8 million (61.8%) were rural dwellers.

7. The average annual rate of population increase was 2.3% in the period 1980-1989 and 2.1% in the period 1990-1998. Since 1990 the urban population has grown by 9.2% and the rural population by 20%. The population density is 53.2 per km$^2$. Males number 11,819,900 (49.7%) and females 11,952,400 (50.3%). Children below the age of 15 account for 42% of the population; 16 million children, or 69.7% of the population, are under the age of 18.

8. Uzbekistan's population growth is chiefly attributable to natural increase, i.e. a consistently high birth rate (588,000 children were born in 1998). This is demonstrated by the pattern of the principal determinant of population replacement, namely the birth rate. For many years the nationwide crude birth rate remained at the level of 33-34 per 1,000, whereas in recent years it has dipped significantly - to 23.2 per 1,000 in 1998. High birth rates have been maintained only in the Surkhan-Darya, Kashkadar, Dzhizak and Namangan regions, that is, in predominantly rural areas.

9. Throughout its history Uzbekistan has always been a multi-ethnic republic. It is home to over 120 nationalities. The bulk of the population (77.2%) are Uzbeks and Karakalpaks. Other ethnic groups comprising more than 1% of the population include 1.3 million Russians (5.5% of the total), 1.1 million Tajiks (4.8%), 900,000 Kazakhs (4.0%), and 300,000 Tatars (1.4%).

10. Uzbekistan is an extremely important economic region. Total gross domestic product (GDP) in 1997 was 987.4 billion som. In real market prices GDP amounted to 298.5 billion som, or 13,110.3 som per capita. In 1997 the GDP index was 0.425%, GDP growth 5.2%, and the increase in per capita GDP 3.2%. Average monthly inflation in 1997 was 6.1%. The number of unemployed, based on the economically active population, was 40,100 at the end of 1998.

11. The literacy rate is high: 97.7% of the population can read and write. Most illiterates are in the "70 and over" age group. Only 0.3% of males and females aged between 16 and 29 are illiterate. Of the population aged 65 and over, 30.2% of females and 17.7% of males are illiterate. The level of education in Uzbekistan is fairly high, with 986 out of every 1,000 persons in employment having received some form of education. Of these educated persons, 142 (15%) are specialists with full or partial higher education, 199 (21%) have specialized secondary education, 480 (50.6%) have general secondary education, and 127 (13.4%) have incomplete secondary education. There are 58 higher educational establishments in Uzbekistan. One in four people working in the national economy has received higher or specialized secondary education.

12. According to the 1998 Human Development Report on Uzbekistan prepared by the United Nations Development Programme (UNDP) and the Centre for Economic Research, average life expectancy was 72.7 for females and 68.1 for males. According to Ministry of Health figures, infant mortality in 1998 was 22.4 per 1,000 and maternal mortality was 20.9 per 100,000 newborn babies.

## B. Overall political structure

13. Uzbekistan is a sovereign democratic State which has proclaimed its commitment to human rights and the principles of State sovereignty, affirms its fidelity to the ideals of democracy and gives priority to the internationally accepted standards of international law.

14. The people of Uzbekistan, having chosen a democratic path of development, seeking to create a rule-of-law State with a socially oriented market economy and developing and strengthening the independence it has achieved on a constitutional basis, considered and approved the basic law, the Constitution of the Republic of Uzbekistan. The Constitution was debated in the open press, and any citizen of Uzbekistan was able to express his or her suggestions and views and to propose amendments through the press. The Constitution was adopted on 8 December 1992 at the eleventh session of the Supreme Council of the Republic (twelfth convocation).

15. The starting point of the Constitution of Uzbekistan is the interests of the individual and society. It harmonizes cooperation by recognizing social partnership between them. By linking the citizen and the State through mutual rights and responsibility, the Constitution lays down the legal foundations for their harmonious activity.

16. As the main reformer during the complex transition period, the State currently acts as the guarantor of respect for human rights and freedoms. Under the Constitution, the people of Uzbekistan are the sole source of State power. Democracy is based on the freely expressed will of the people to determine their political, economic, social and cultural life.

17. State power in Uzbekistan is exercised in the interests of the people and solely by the bodies empowered for this purpose by the Constitution of the Republic of Uzbekistan and laws adopted on the basis of it. Only the popularly elected Oliy Majlis and the President of the Republic may speak for the Uzbek people. No section of society, political party, public association, movement or individual may speak for the Uzbek people.

18. A value system for State and legal regulation of the process of democratic transformation and social and economic reforms in Uzbekistan has now taken shape. It represents a structural combination of all the branches of power: the Presidential form of government, the legislature, the executive and the judiciary. Article 11 of the Constitution states: "The system of State power in Uzbekistan is based on the principle of the separation of powers into a legislature, an executive and a judiciary".

1. The legislature

19. Legislative power is exercised by the Oliy Majlis (Parliament of the Republic), the highest representative body. The procedure governing the composition and legal status of the Uzbek Parliament is laid down in the Elections (Oliy Majlis) Act and the Oliy Majlis of the Republic of Uzbekistan Act.

20. Article 83 of the Constitution states that "The Oliy Majlis shall enact statutes, decisions and other instruments. A majority of the votes of all the deputies of the Oliy Majlis shall be required to enact a statute". Promulgation of statutes and other regulatory instruments shall be a mandatory condition of their enactment.

2. The executive

21. The President of Uzbekistan is the head of State and chief executive of the Republic. The President is also the Chairman of the Cabinet of Ministers.

22. Uzbek citizens elect the President for a five-year term on the basis of universal, equal and direct suffrage by secret ballot. Candidates for the office of President of the Republic of Uzbekistan must be Uzbek citizens aged at least 35 years and fluent in the official language, and must have been permanently resident in Uzbek territory for at least 10 years prior to the election (Constitution of Uzbekistan, art. 90).

23. Article 93 of the Constitution states that the President shall protect citizens' rights and freedoms, the Constitution and the laws of the Republic of Uzbekistan.

24. The Cabinet of Ministers is appointed by the President and confirmed by the Oliy Majlis. The Cabinet of Ministers ensures that the economy and social and spiritual activity operate efficiently and monitors the implementation of statutes and decisions of the Oliy Majlis and the decrees, decisions and orders of the President; issues, in line with current legislation, decisions and orders that are binding on all authorities, enterprises, organizations, officials and citizens throughout Uzbek territory; and relinquishes its powers when a new Oliy Majlis is elected.

3. The judiciary

25. The Uzbek judiciary is independent of the legislature and the executive, political parties and other public associations. Judicial authority in Uzbekistan is exercised by the courts:

(a) The Constitutional Court of the Republic of Uzbekistan, which hears cases relating to the constitutionality of instruments enacted by the legislature and the executive;

(b) The Supreme Court of the Republic of Uzbekistan, the highest judicial body in the civil, criminal and administrative court hierarchy;

(c) The Higher Economic Court of the Republic of Uzbekistan, which settles disputes over economic matters;

(d) The Supreme Court of the Republic of Karakalpakstan;

(e) The Economic Court of the Republic of Karakalpakstan;

(f) Provincial, Tashkent, district, city and economic courts;

(g) Military courts;

(h) Provincial and Tashkent economic courts.

26. Article 112 of the Constitution and the Courts Act states:

"Judges are independent and subject only to the law. Any interference in the work of judges in administering justice is inadmissible and punishable by law.

The immunity of judges is guaranteed by law.

The Presidents and members of the Supreme Court and the Higher Economic Court may not be deputies in the Oliy Majlis.

Judges, including district judges, may not be members of political parties or movements, nor may they hold any other paid post.

A judge may be removed from his post before the completion of his term of office only on the grounds specified by law."

4. Local authorities

27. In addition to the supreme bodies of State power - the Oliy Majlis, The President, the Cabinet of Ministers, ministries and departments - local authorities such as the councils of people's deputies and regional chief administrators (khokims) address social problems at the regional, district and city levels.

28. The institution of the khokim is the traditional form of authority in Central Asia, sanctioned by historical development itself. Its roots go back into the distant past. This institution of power embodies the experience of national State government. It is based on the principle of individual responsibility and can meet the essential needs and problems of the population. Khokims exercise their powers according to the principle of undivided authority (art. 103 of the Constitution).

29. Within the powers vested in him, a khokim takes decisions that are binding on all enterprises, institutions, organizations, associations, officials and citizens within the territory concerned (art. 104 of the Constitution).

## C. General legal foundation protecting human rights in Uzbekistan

### 1. Constitutional guarantees of human rights and freedoms

30. The national legislative system comprises: the Constitution, constitutional laws whose promulgation is prescribed in the Constitution, current or usual laws, Presidential decrees, decisions of the Cabinet of Ministers and orders issued by central and local bodies of State power.

31. The Constitution provides the general legal foundation for the protection of civil and political rights. In regulating basic human rights and freedoms, the Basic Law of Uzbekistan proceeds from the concept of social justice, the equality of all citizens and the mutual responsibility of the citizen and the State. It proclaims the principle of the inalienability of citizens' rights and freedoms and the right to protection by the courts.

32. The Constitution guarantees and enshrines the equality of citizens before the law and their equal rights and freedoms, and stipulates that he exercise of rights and freedoms may not encroach upon the interests of other persons, the State or society.

33. Articles 25 to 27 of the Constitution set forth the following rights and freedoms of the individual: the right to freedom and inviolability of the person; the right of a person accused of a crime to be deemed innocent until his guilt is lawfully proved in open court proceedings affording him every opportunity for defence; the right to protection against torture or violence; the right to protection against encroachments on honour and dignity, interference in private life, and inviolability of the home.

34. The rapid growth of the statute books is an outstanding feature of the modern legal system in Uzbekistan. In seven years of independent legal development, 14 codes, more than 300 laws (constitutional and direct) and a number of legally binding normative instruments have been prepared and adopted in Uzbekistan. The new legislation serves as the legal foundation for strengthening State sovereignty, social democratization, the transition to a socially oriented market economy and the development of economic, trade, cultural and mutually advantageous relations with other States.

35. The Constitution recognizes the priority of generally accepted standards of international law over national legislation. However, there has so far been no direct application of these standards when a violation of human rights is found to have occurred: the aforementioned laws are subjected during their preparation and adoption to expert examination by international and national organizations. An important body that carries out expert legal examination of draft legislation and current laws in the sphere of human rights is the parliamentary Institute for Monitoring Current Legislation.

### 2. Protection of human rights and freedoms by the courts: the system of administration of justice and the independence of judges

36. The third branch of State power, the judiciary, performs a fundamental role in the protection of human rights and freedoms. The court may make use of

legal and legislative analogy and take decisions on the basis not only of the letter of the law, but also of its spirit and of legal axioms and principles.

37. The judicial system plays an extremely important part in the development of the legal system in Uzbekistan and the legal environment of society. Above all, it has the task of correctly applying legal provisions and explaining the role and significance of laws to the people. To facilitate public access to the judicial system, units have been established in the offices of khokims at all levels to hear public complaints.

38. A legislative base for the judicial system, aimed at carrying out specific tasks and meeting citizens' interest and rights, has now been established in Uzbekistan. The courts' ability to apply the law effectively and correctly is enhanced by the legislation. The independence of the judiciary is constitutionally guaranteed.

39. An extremely important result of the reform of the judicial system is that it is accessible to citizens. Makhalla committees have become the link regulating the procedures for bringing the system of court protection in Uzbekistan as close as possible to the people. This is a promising development in settling issues of civilized cooperation between the individual and the judiciary, the preparation of which formed part of the development of a culture of law among the population in the spirit of popular traditions, social participation and collective support. Associations of elders have been established within makhalla committees.

40. The system for drafting, preparing, amending, codifying and implementing legislation aimed at protecting human rights and freedoms is being improved. A course on "Human Rights" has been included in the curriculum of legal colleges training and retraining senior officials of courts, procurators' offices and investigative departments.

41. The organization of social support for the individual in his cooperation with the judiciary will help to solve the problem of creating an independent judiciary that seeks to resolve issues of ensuring citizens' interests and rights.

3. Supervising the implementation of human rights legislation

42. Under the Constitution, the Procurator's Office, headed by the Procurator-General, is responsible for supervising the strict and uniform implementation of national legislation, including legislation on human rights and freedoms, in Uzbekistan. The Procurator's Office is invested with the right to carry out investigative and other acts, both in criminal inquiries and in establishing the facts legal violations, including cases of the violation of human rights and freedoms. To this end, the Procurator's Office may involve forces of the internal affairs authorities and the national security services which, under article 339 of the Code of Penal Procedure, have the right to carry out operational searches. Bodies of the Ministry of Internal Affairs and the National Security Service also perform these functions.

43. Bodies of the Procurator's Office carry out their activities exclusively on the basis of the Constitution and laws of Uzbekistan, i.e., independently of all State and public bodies or officials.

4. National machinery for monitoring the situation regarding the protection of human rights

44. The Constitutional Court, established in 1992 to establish the constitutionality of instruments enacted by the legislative and executive branches, is the key specialized institution concerned with issues relating to the protection of human rights. Others are the Commission for the Observance of Citizens' Constitutional Rights and Freedoms, reporting to the Human Rights Commissioner (Ombudsman) of the Oliy Majlis, the Institute for Monitoring Current Legislation, reporting to the Oliy Majlis, the Ministry of Justice and the National Centre for Human Rights of the Republic of Uzbekistan.

45. The institution of the parliamentary Commissioner for Human Rights (Ombudsman), and the Commission for the Observance of Citizens' Constitutional Rights and Freedoms, which reports to him, were created in 1995. They were established on the initiative of the President in order to set up machinery for additional protection of citizens' rights and freedoms. Under the Ombudsman Act of 24 April 1997, his competence encompasses parliamentary monitoring of the implementation of human rights laws, both on his own initiative and on the basis of a complaint of violation by citizens. From 1996 to 1998 the Ombudsman was entrusted with the implementation of the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and other instruments.

46. In May 1996, the Government of Uzbekistan officially requested UNDP assistance in the preparation of the Ombudsman Act. The Act on the Commissioner for Human Rights (Ombudsman) of the Oliy Majlis, which was drafted with the expert support of UNDP, was adopted in April 1997.

47. The Institute for Monitoring Current Legislation, which reports to the Oliy Majlis of the Republic of Uzbekistan, is a scientific research institute established under a Decision of the Oliy Majlis of the Republic of Uzbekistan of 3 December 1996. Its main functions are: to study current legislation and its relationship to international standards and principles in the sphere of human rights; to prepare recommendations on the implementation of international legal standards in current Uzbek human rights laws; to study and apply law-enforcement practice in the encouragement and protection of human rights; to prepare recommendations for the improvement of current legislation; to carry out scientific expert examination of draft laws, including examination in association with experts and institutes abroad; and to prepare proposals for legislative plans and programmes.

48. The Ministry of Justice organizes the activities of the Supreme Court of the Republic of Uzbekistan, regional courts, the Tashkent City court and district (urban) courts, adhering strictly to the principle that courts are independent and subject only to the law. A special Department to Examine Public Complaints and Statements has been formed within the Ministry in order to ensure

that the actual legal protection machinery is accessible to broad sections of the population. The "Adolat" Legal Assistance Centre has been set up in the Ministry. It is currently applying a flexible system of charges for services to citizens requiring them in relation to civil and criminal cases. In addition, the Presidential Decree of 25 June 1997 established a Centre for the Advanced Training of Lawyers under the Ministry of Justice, a Centre for the Dissemination of Legal Knowledge in the Tashkent State Institute of Law and the "Ishtimoii Fikr" independent Republican Centre to Study Public Opinion.

49. The National Centre for Human Rights was established by Presidential Decree in October 1966 to coordinate the activities of all governmental and non-governmental organizations working for the protection of human rights. The Centre carries out research on various aspects of the protection and promotion of human rights at the national and international levels; organizes scientific programmes, seminars, lecture courses and field trips; assists in the preparation and implementation of scientific programmes on human rights; generalizes and disseminates information on human rights; develops technical cooperation and information links with international centres or organizations in the field of human rights; coordinates the local activities of international agencies providing technical assistance in issues of democratization, government and the protection of citizens' rights; and publishes a specialized human rights magazine.

## D. Information and publicity

50. Dissemination of knowledge about human rights among the population and the appropriate law-enforcement bodies is one of the priority tasks of the National Centre for Human Rights. This year the Centre has prepared and published a handbook entitled "Uzbekistan and international human rights treaties" containing 37 human rights treaties to which Uzbekistan has adhered (as of 7 October 1997). Of these, 17 - including the Convention on the Elimination of All Forms of Discrimination against Women and other basic treaties - have been translated into Uzbek.

51. A translation of the Geneva Conventions and their Additional Protocols on international humanitarian law is planned in association with the regional office of the International Committee of the Red Cross. Nine wall charts for schools and colleges, containing the texts of the International Bill of Human Rights and the Convention on the Rights of the Child, have been issued in Uzbek and partly in Russian, under the UNDP programme "Democratization, human rights and good governance in Uzbekistan".

52. A children's book entitled "The Universal Declaration of Human Rights", with illustrative sketches helping the child to understand the meaning of the Declaration's articles, has been prepared for publication. It is being issued in Uzbek (in Cyrillic and in Latin characters, the latter being the new alphabet for Uzbek which will be used from 2005) and Russian. In addition, to acquaint the people of Uzbekistan with the basic documents of the United Nations, work is continuing on translating the Human Rights Fact Sheets series of the Centre for Human Rights of the United Nations Office at Geneva. Fact sheets have so far been translated on the following subjects: (1) Human Rights Machinery; (2) Advisory Services and Technical Assistance in the Field of Human Rights;

(3) World Public Information Campaign for Human Rights. These are now being prepared for publication.

53. On the initiative of the president, I.A. Karimov, a special subject, Human Rights, has been introduced from 1997 in all schools, colleges and universities. For this purpose:

(a) centres or departments for the study of human rights and freedoms are being established in all higher and secondary educational establishments;

(b) a department of human rights theory and practice has been set up in the Academy of the Ministry of Internal Affairs, in association with the National Centre for Human Rights;

(c) six teaching programmes have been prepared, of which "International standards in the field of human rights", "Human rights" and "Human rights and the activities of the internal affairs authorities" have been brought into widespread use, and textbooks have been issued for the "Human rights" course;

(d) in association with UNDP, the Ministry of Higher and Special Education and the Ministry of National Education have held practical scientific seminars on "Teaching the human rights course in the transitional period" for teachers and lecturers in schools and colleges, with the participation of the international experts K. Dias and A. Ganterer.

54. The Government has assigned the task of preparing National Reports on the implementation of the basic provisions of international human rights treaties to the National Centre for Human Rights. The Centre has so far prepared National Reports on the 1990 Convention on the Rights of the Child, the 1993 Vienna Declaration and Programme of Action, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment. Work is being completed on draft reports on Uzbekistan's implementation of the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Civil and Political Rights.

55. In preparing the reports, the National Centre identifies a number of governmental departments and non-governmental organizations for future cooperation in preparing the relevant sections of the reports. Once completed, the reports are submitted to all departments and organizations concerned for their suggestions and amendments of substance, and all suggestions received are followed up. After final processing, the reports are sent to the Ministry for Foreign Affairs for submission to the United Nations.

## II. IMPLEMENTATION OF THE COVENANT'S PROVISIONS

### Article 1

### Normative instruments governing the right to self-determination

56. The fundamental directions of Uzbekistan's development are the transition from a command system of administration and government to free market conditions, the construction of a democratic State and a just society for its

citizens, access to integration into the world community and entry to the international market. This complex transitional process requires the transformation of outmoded institutions of government, the creation of new instruments and the adoption of new laws, new standards and new practical work methods.

57. Since 1995, two UNDP missions - in July 1995 and February 1996 - have found that there has been real, albeit very cautious, progress in the democratization of human rights and improvement of the system of government in Uzbekistan. So far, by comparison with other CIS States, Uzbekistan has received insignificant assistance in the development of democracy and the system of government and participation, although the need for such assistance was clear. The Uzbek Government is actively campaigning for recognition by the world community. Uzbekistan became a Member of the United Nations on 2 March 1992.

58. The Constitution of the Republic of Uzbekistan, proclaiming Uzbekistan to be a "sovereign democratic republic" (art. 1), was adopted on 8 December 1992. The people are the sole source of State power, and the State expresses the will of the people and serves its interests (art. 2 and 7). The Republic independently determines its national-State and administrative-territorial structure and its system of organs of State power and administration, and conducts its domestic and foreign policies. The Republic of Uzbekistan has its State symbols - a flag, an emblem and an anthem sanctioned by law (art. 1-5).

59. Uzbekistan supports the peaceful settlement of various armed conflicts, the preservation of State sovereignty, and the strengthening of peace and stability in the Central Asian region. In 1992, Uzbekistan joined the Non-Aligned Movement, which supports the sovereignty of States and the individuality of peoples.

60. Under article 55 of the Constitution, the land and its minerals, fauna and flora, as well as other natural resources, constitute the national wealth, which must be rationally used and protected by the State. Because of the serious ecological situation in some regions of the country (the Aral Sea region, for example), special rules for the use of nature, aimed at environmental protection and preservation, are laid down in the legislation. All activities relating to the use of natural wealth and resources is governed by the Animal Protection and Use Act, the Plant Protection and Use Act and the Minerals Act, and by the basic principles of the Constitution.

61. The sovereign Republic of Karakalpakstan forms part of the Republic of Uzbekistan: it has its own Constitution, determining its administrative-territorial structure and system of organs of State power. The mutual relations between the Republic of Uzbekistan and the Republic of Karakalpakstan are governed by bilateral treaties and agreements. The sovereignty of the Republic of Karakalpakstan is protected by the Republic of Uzbekistan (art. 70). Uzbekistan's Constitution lays down the right of the Republic of Karakalpakstan to secede from the Republic of Uzbekistan on the basis of a nation-wide referendum of the people of Karakalpakstan (art. 74). Uzbekistan constitutes a single judicial space, i.e. the laws of the Republic of Uzbekistan are equally valid in the Republic of Karakalpakstan and the laws of the Republic of Karakalpakstan may not run counter to those of the Republic of Uzbekistan.

## Article 2

### State observance of and respect for the rights recognized in the International Covenant on Civil and Political Rights

62. Democracy in Uzbekistan is based on universal principles according to which the highest value is the human being, his life, freedom, honour, dignity and other inalienable rights (article 13 of the Constitution). All citizens enjoy the same rights and freedoms and are equal before the law without distinction of sex, race, nationality, language, religion, social origin, beliefs, or individual or social status, rights and freedoms are protected by the Constitution and laws, and any discrimination carries criminal liability.

63. Uzbekistan has adhered to a number of international legal instruments of universal application governing issues of the individual's citizenship, welfare and political rights, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, the Convention on Women's Political Rights, the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, the Code of Conduct of Law Enforcement Officials, and the Fundamental Principles of the Independence of Judicial Bodies.

64. The basic human civil and political rights are enshrined in the Constitution of Uzbekistan. The Citizens' Appeals Act, the Court Complaints (Actions and Decisions Violating Citizens' Rights and Freedoms) Act, the Guarantees of Citizens' Electoral Rights Act, the Freedom of Conscience and Religious Organizations Act, the Mass Media Act, the Freedom and Guarantees of Access to Information Act, the Protection of Journalists' Professional Activities Act, the Bar Act, the Human Rights Commissioner (Ombudsman) of the Oliy Majlis Act and many other laws constitute a reliable basis for the legal protection of citizens' and human rights and freedoms.

65. In 1992, to familiarize the public with international human rights standards, the "Adolat" publishing house attached to the Ministry of Justice published the instruments constituting the International Bill of Rights in two languages (Uzbek and Russian). Also, with financial support from the State Committee for the Administration of State Property and Privatization, the "Shark" publishing house in 1995 produced a series of six volumes entitled "Comparative Law Studies" devoted to international and other human rights instruments.

66. In addition, the National Centre for Human Rights, with the support of UNDP and UNHCR in Tashkent, issued posters in 1997-1998 containing the texts of the principal human rights instruments, including the International Covenant on Civil and Political Rights. These posters are distributed to schools and higher educational establishments free of charge.

67. Article 44 of the Constitution stipulates that every citizen is entitled to judicial protection of his rights and freedoms and has the right to appeal to a court against unlawful actions by State bodies, officials or public associations. The Court Complaints (Actions and Decisions Violating Citizens'

Rights and Freedoms) Act, adopted on 30 August 1995, establishes the right of citizens to appeal to a court if they consider that their rights and freedoms have been violated by unlawful acts or decisions of State bodies, enterprises, institutions, organizations, public associations, bodies of citizens' self-government or officials. Foreigners' rights are limited only in relation to their political rights: the right to vote and be elected, and the right to occupy leading positions in bodies of State administration. Aliens are entitled to appeal to a court under the procedure laid down by the Act unless the international treaties and agreements subscribed to by Uzbekistan stipulate otherwise. Stateless persons have the same rights as Uzbek citizens to appeal to a court.

68. Matters of citizenship are governed by a number of normative instruments, including provisions contained in international legal agreements of universal application on this problem.

69. The Agreement on Travel Without a Visa of Citizens of States of the Commonwealth of Independent States in the Territory of its Members, signed at Bishkek on 9 October 1992, grants citizens of the signatory States the right to enter, leave and travel within the territory of States parties without a visa if they have documents certifying their identity or confirming their citizenship.

70. The Citizenship of the Republic of Uzbekistan Act of 2 July 1992 has direct application in this sphere. Under article 1, citizenship of Uzbekistan constitutes a permanent political and legal link between the individual and the State that finds expression in their mutual rights and obligations. The law does not establish any limitations of rights in relation to grounds of acquisition, origin, social or property status, racial or national affiliation, sex, education, attitude to religion, political or other beliefs, or type or nature of occupation.

71. Citizens of Uzbekistan are: (a) persons residing permanently in the Republic of Uzbekistan at the time of the entry into force of the Citizenship Act of 1992; (b) persons working on State business who live outside Uzbekistan and are not citizens of other States; (c) persons who have acquired citizenship under the Act.

72. A citizen of Uzbekistan may not be extradited for a crime committed in the territory of a foreign State, unless otherwise provided in international treaties and agreements.

73. For a number of political and economic reasons (the complex demographic situation, political excesses in a number of contiguous States, etc.), Uzbekistan does not accept the idea of dual citizenship. Only in exceptional circumstances, and if their parents, grandfather or grandmother were earlier forced to leave their homeland because of the regime at the time, can compatriots who are citizens of other States be given citizenship also of Uzbekistan, at their request and under a resolution of a special parliamentary commission, by decision of the President (art. 10).

74. Citizenship issues in Uzbekistan are resolved through a combination of *jus cogens* and *jus soli*. In addition, citizenship is granted on the basis of

international treaties to which Uzbekistan is a party, and in other cases provided by law.

75. The following conditions apply to the granting of Uzbek citizenship:

- renunciation of foreign citizenship;
- permanent residence in Uzbekistan for the previous five years;
- availability of legal identity documents; acceptance and implementation of the Constitution.

76. The State bodies handling cases of Uzbek citizenship are the President's Office, the Ministry of Internal Affairs and the Ministry for Foreign Affairs. Their powers are specified in Chapter 5 of the Citizenship Act. The procedure for granting citizenship is conducted directly by the Commission for Citizenship Affairs attached to the President's Office; in considering applications and submissions on citizenship matters, the Commission carries out an all-round assessment of the applicant's arguments, the contents of the submission, the findings of State bodies and public associations, other documents and properly formulated depositions.

77. Citizenship may be terminated on the following grounds: loss of citizenship; grounds provided for in international treaties to which Uzbekistan is a party; other grounds set out in the Citizenship Act.

78. In addition, the Act lays down the conditions for loss of Uzbek citizenship:

- service in the armed forces, security services, police, judicial bodies or other bodies of State power and administration in another State;
- permanent residence abroad and failure to apply for consular registration for five years without valid reasons;
- acquisition of Uzbek citizenship through the submission of deliberately false information or false documents.

Loss of citizenship is effective from the day of issue of the Presidential Decree.

79. Appeals may be lodged against unlawful acts by officials concerning citizenship matters in the manner laid down by the law regarding subordinates, to the official or to a court.

80. Apart from the Act, matters of citizenship are governed in varying degrees by a number of normative instruments:

- the Presidential Decree of 23 September 1994 on the introduction of the Resolution on a passport system in the Republic of Uzbekistan;

- the Regulations on residence permits in the Republic of Uzbekistan for aliens and stateless persons and identification of stateless persons;

- Cabinet of Ministers Resolution No. 143 of 14 March 1997, under which citizens of CIS States have the right to enter and to travel within the territory of Uzbekistan without a visa if they have documents certifying their identity or confirming their citizenship.

Registration of the presence of citizens of foreign Sates without a visa has been introduced to ensure social order and security.

81. Under the Constitution (art. 26), any person accused of a crime is deemed innocent until his guilt is lawfully proved in open court proceedings affording him every opportunity for defence.

82. No one may be subjected to torture, violence or any other cruel or degrading treatment.

83. No one may be subjected to medical or scientific experiments without his consent.

84. Article 116 of the Constitution stipulates:

"An accused shall have the right to defence. The right to professional legal assistance shall be guaranteed at any stage of the investigation. Legal assistance to citizens, enterprises, institutions and organizations shall be provided by the Bar. The organization and procedures of the Bar shall be determined by law."

85. Under article 112 of the Constitution:

"Judges shall be independent and subject only to the law. Any interference in the work of judges in the administration of justice is inadmissible and shall be punishable by law. The immunity of judges shall be guaranteed by law. The Chairmen and members of the Supreme Court and the Higher Arbitration Court may not be deputies of the Oliy Majlis of the Republic of Uzbekistan. Judges, including district judges, may not belong to any political parties or movements or hold any other paid post. A judge may be removed from his post before the completion of his term of office only on the grounds specified by law."

## Article 3

### Ensuring the equality of the civil and political rights of men and women

86. Men and women enjoy equal rights (Constitution, art. 46). Discrimination on grounds of sex, as on any other grounds, is prohibited.

87. Article 63 of the constitution sets out the principles of equality of men and women, freedom to marry, equality of partners in a marriage, protection of mother and child and the social and legal protection of the family: "The family is the primary unit of society and shall have the right to protection by the

State and society. Marriage shall be based on the willing consent of and equality of both parties".

88. Women may defend their rights in court without any discrimination. Most court cases involving divorce proceedings, alimony and division of property are decided in favour of women, since the court generally awards custody of children to the mother in divorce cases. No cases of discrimination against women in the administration of justice on grounds of sex have been recorded.

89. Women's labour rights are protected by labour legislation, which prohibits employment of women for work involving heavy physical labour and the lifting of heavy objects.

90. Women in Uzbekistan participate in all areas of political, economic and social life, work in ministries and political and State organizations, and are employed in the private sector and in business. They set up their own firms and companies. Many women train as lawyers and work as barristers, judges and law-enforcement officials. More than a third of employees in ministries, departments, units of the President's Office and government institutions are women. Women make up about one-third of all deputies in the Oliy Majlis.

91. Women account for 4.6% of those elected to parliament and 42% of the labour force. Forty-four per cent of those employed in the national economy are women, including 52% in industry, 39% in agriculture, 47% in communications, 13% in construction, 47% in commerce, 73% in health care, 62% in national education, 77% in culture, 44% in science and 36% in administration. For example, the People's Democratic Party of Uzbekistan alone had 76,610 women members (22%) in 1991, 101,522 in 1995 and 144,200 (29%) in 1998, an indication of women's growing political activity. This is further confirmed by the fact there are 72 PDPU deputies in the Oliy Majlis, of which 8 are women. Unfortunately, however, women are still discriminated against in employment and recruitment to leading positions or for highly paid work. Conditions have been created in Uzbekistan for on-the-job vocational training and advanced training of women. Thee are 23 institutes, 16 faculties, 4 centres and 14 courses in the State system for advanced training and retraining of senior staff.

92. According to data provided by the Television and Radio Company, new posts of assistant khokim responsible for women's issues were created within khokims' offices on 2 March 1995. In this connection, a broad range of materials has been prepared in the mass media, and 20 new programmes and features have been broadcast on television. The magazines "Oila" and "Nafosat" have been created in association with a committee of women, and the programmes "School for Mothers", "Women - the Light of Life" and "The Road" have been broadcast. After a 29-year gap, the "Umid" publishing house has resumed publication of the magazine "Krug podrug", and the number of programmes on women's problems has increased over the past 18 months. They include the television magazine programme "Buston", the programmes "Khaet risolasi", "Soglom avlod uchun", "Ziinat", "Marzhon" and others. The television company received about 25,000 letters in 1998, 51% of them from women, and 800 visitors, of which 500 were women.

93. Women in Uzbekistan work chiefly in the public sector (industry, science, art, teaching). In sectors such as medicine, education, bookkeeping, the social sphere and services the employees are mainly women.

94. A number of problems need to be resolved. When there is downsizing and reorganization of enterprises and organizations, the first to lose their jobs are women, especially mothers with many children. In these cases, women leave for the reproductive or private sector. The laws of Uzbekistan are intended to change this situation. The law prohibits dismissal of a woman in cases of pregnancy or maternity leave. Mothers with many children are given various concessions, including a shorter working day and longer holidays. Chapter 14, article 224, of the Labour Code provides for additional safeguards for women and persons fulfilling family obligations.

95. The State programme of measures for 1999 to enhance the role of women in the family and in State and social development, and to improve the system for the protection of their legal, social, economic and spiritual interests, also provides for women with children under the age of 3 working in organizations financed by the budget to be given the right to have their working day shortened by one hour (apart from teaching time) without loss of pay (sub-item 1.9).

96. At the same time, conditions are being created to accommodate mothers with many children who wish to devote themselves wholly to their family and have no opportunity to work. The State provides broad social assistance for these women: they receive a grant for each child up to the age of 16, can avail themselves of kindergarten services free of charge and have the right to obtain free school uniform, clothing and supplies for children under the age of 11.

97. Public (non-governmental) organizations also represent the interests of women. They include the Uzbekistan Women's Committee, the Association of Uzbek Businesswomen, the Women's Resource Centre, the "Women Leaders" Centre, the Soglom Avlod Uchun and Ekosan Foundations, etc.

98. A number of laws and Presidential decrees have been adopted in Uzbekistan to promote greater activity among women in political, economic and social life. The Presidential Decree on measures to enhance the role of women in State and social development, which ensures the participation of women in all sectors of life and grants women equal rights with men to labour, to participate in politics and to decide State, social and other problems, was adopted on 2 March 1995. The ODIHR/OSCE regional seminar on the role of women in social life, the subject of a memorandum of understanding between ODIHR and the Government of Uzbekistan, was held from 16 to 18 June 1998. Among the problems discussed were placing women in jobs and women's place in the family, taking into account non-discrimination against women and protection of mother and child, and various legal issues.

99. Much work is currently being done in Uzbekistan on women's legal education. Special social centres are being opened where women can obtain information on any matter of concern to them. Efforts are being made to disseminate knowledge about women's rights.

100. Uzbekistan is a party to the Universal Declaration of Human Rights, of 10 December 1948, the Convention on the Elimination of All Forms of Discrimination against Women, of 18 December 1979, the World Declaration on the Survival, Protection and Development of Children, adopted at the World Summit for Children at New York on 30 September 1990, the Convention on the Rights of the Child, of 26 January 1990, the International Covenant on Economic, Social

and Cultural Rights, of 16 December 1966, the Charter of Paris for a New Europe, of 21 November 1990, and the 1919 Maternity Protection Convention.

101. Basic obligations under international treaties are guaranteed by the Constitution, legislative acts, decrees and other normative instruments. Uzbekistan's national legislation has been brought into line with international standards concerning the protection of human rights.

102. Violence against women, trafficking in women and sexual harassment are criminal offences in Uzbekistan (Penal Code, articles 118, 119 and 121 on offences against sexual freedom, articles 128, 129 and 131 on offences against the family, young people and morality, and articles 135 and 136 on offences against freedom, honour and dignity).

103. The renewal of national traditions in Uzbekistan is of great significance in raising the spiritual awareness of the people. Traditional values such as the role of women in the family and traditional respect for women as mothers and guardians of the home have always been characteristic of the Uzbek people. However, negative attitudes left over from the past, which contravene the provisions of international law, still persist. The tradition of kidnapping brides for ransom (bride-money), early marriages and refusal to allow a marriage against the will of the parents still exists in remote villages and settlements. Under the Penal Code (art. 136), it is an offence to force a woman to marry or prevent a woman from doing so.

104. Individual cases of religious extremism violating freedom of conscience and leading to discrimination against women in the family have occurred in Uzbekistan. This is related, in particular, to the development of traditions restricting women's right to work. An intensive effort is being made to eradicate such practices in Uzbekistan.

105. A large-scale educational awareness campaign is being waged among the population in Uzbekistan on issues of the legal protection of women and the eradication of prejudice having a negative effect on and infringing women's rights, and cultural and traditional values which encourage respect for women and protect their rights are being promoted. Specialized institutions such as women's committees, the National Centre for Human Rights, the Centre for the Study of Public Opinion and some non-governmental human rights organizations hold permanent women's consultations, seminars and round tables on human rights.

106. The Uzbekistan Women's Committee is very active in the protection of women's rights. In the provinces and districts, the provincial or district representative of the Women's Committee is also the deputy provincial or district khokim. The president of the national Women's Committee holds the post of Deputy Prime Minister of the republic. This structure helps to bring about the operational and local resolution of all women's problems and the effective protection of women's rights.

107. The representatives of the Uzbekistan Women's Committee are constantly working at the local level, settling women's complaints and appeals, and inspecting kindergartens, maternity homes and punishment colonies for women offenders.

108. A Committee for Religious Affairs has been established within the Cabinet of Ministers which, in addition to its basic work, publicizes the importance of respect for women and the proper organization of the family, the need for breast-feeding and the responsibility of parents and society for the health of future mothers and the rising generation.

109. The year 1999 has been designated Year of the Woman. A National Programme to promote the role of women in society, the main provisions of which are to be implemented this year, is being prepared. To this end, an Order of the President on the preparation of the programme of measures to enhance the role of women in the family and in the State and social structure was adopted on 9 December 1998.

110. A Resolution of the Cabinet of Ministers on a State programme of measures for 1999 to enhance the role of women in the family and in the State and social structure and to improve the system for the protection of their legal, social, economic and spiritual rights was adopted on 18 February 1999. It is aimed at:

- improving the legal foundations for the protection of women's interests and enhancing their role in the State, social and cultural structure and in the democratic and spiritual renewal of society;

- preparing and administering a system for monitoring the implementation of international, national and other legislative and legal provisions adopted on protection of the interests of women, motherhood and childhood;

- enhancing the role of women in administrative structures at all levels and creating conditions for the active participation of women in citizen's bodies of self-government, non-governmental organizations and public associations;

- establishing conditions for improving the health of mothers and children, developing physical culture and raising the level of education;

- enhancing the status and role of women in the family, and creating a favourable spiritual and moral atmosphere in the family, favourable conditions for bring up children and favourable material and domestic living conditions;

- ensuring the active participation of women in implementing economic reforms and developing entrepreneurial activity;

- expanding and deepening scientific and social studies on general problems, including enhancing the role of women in educating the younger generation, and establishing a family, social and economic reforms and the spiritual and moral development of society.

111. The programme provides for implementation of the following measures:

- strengthening of the legal foundations for the protection of the rights of women, motherhood and childhood;

- creation of conditions for improving the health of mothers and children;

- ensuring the active participation of women in economic changes and reforms, and much else.

112. The situation of women in the family, too, remains difficult. Surveys carried out among young families have shown that in most cases the place of work, the number of children and how the bride-money is spent are decided by the husband and his mother. Cases of self-immolation of women because of intolerable living conditions have been recorded, particularly in areas with a low level of cultural and social development.

## Article 4

## Conditions in which citizens' rights and freedoms may be restricted

113. Wrongful restriction of human rights and freedoms is not permitted in Uzbekistan, in accordance with the general principles of State policy. Such restrictions may not be applied on grounds of sex, race, faith, social origin, etc. Article 25 of the Constitution stipulates that "Everyone shall have the right to freedom and inviolability of the person. No one may be arrested or taken into custody except on lawful grounds". This is given specific expression in the second paragraph of article 26: "No one may be subjected to torture, violence or any other cruel or humiliating treatment". Special provisions prohibiting unlawful acts of this kind are contained in a number of other Uzbek legislative instruments (Penal Code, Code of Penal Procedure, Code of Penal Enforcement).

114. In addition to legislative safeguards, a system of institutions to protect rights during criminal proceedings has been created and is operating in Uzbekistan. It comprises the highest-level State authorities and administration, the law-enforcement system, and extra-judicial bodies. Uzbekistan entered no reservations in signing the International Covenant on Civil and Political Rights. There have been no instances of forced derogation from the Covenant's provisions in emergency situations.

115. However, despite the existence of a system for supervising and monitoring human rights observance in the administration of criminal justice, actual cases of unlawful, humiliating and degrading treatment and punishment are still occurring in the work of a number of law-enforcement authorities. For example, according to 1997 data issued by the Procurator's Office, violations of defendants' rights and legitimate interests occurred in such forms as unlawful arrest and detention and wrongful criminal prosecution.

## Article 5

## Prohibition of any unwarranted restriction of citizens' rights

116. A number of legislative instruments directly prohibit the use of torture or other cruel, inhuman or degrading forms of treatment or punishment. In particular, under article 25 of the Constitution, "Everyone shall have the right to freedom and inviolability of the person. No one may be arrested or taken into custody except on lawful grounds". This is given specific expression in the

second paragraph of article 26: "No one may be subjected to torture, violence or any other cruel or humiliating treatment". Special provisions prohibiting unlawful acts of this kind are contained in a number of other Uzbek legislative instruments (Penal Code, Code of Penal Procedure, Penal Enforcement Code).

117. In addition to legislative safeguards, a system of institutions to protect rights during criminal proceedings has been created and is operating in Uzbekistan. It comprises the highest-level State authorities and administration, the law-enforcement system, and extra-judicial bodies.

118. The Supreme Court reports that action against 23 officials of the preliminary investigation authorities found to have committed offences of this nature was halted, and 22 persons committed for trial on similar offences were rehabilitated by the courts. In 1998, a mere 19 law-enforcement officials were convicted of offences under articles 235 and 236 of the Penal Code (Coercion to testify and Unlawful remand in custody).

119. Concealment of unlawful arrest is another breach of the Convention against Torture. The Procurator's Office recorded seven such cases nationwide in 1997, although further checks revealed five cases of unlawful arrest by internal affairs officials in Samarkand province alone. In 1992 the total number of unlawful arrests was 76; in 1993, 52; in 1994, 38; in 1995, 45; in 1996, 20; and in 1997, 7.

120. In 1996 the internal affairs authorities received 155,965 written complaints, or 23,147 more than in 1995. The facts as presented in 110,513 of these complaints were found to be true. In all, 120,441 written and oral complaints were dealt with in face-to-face interviews in 1996; 80,762 of them were upheld.

121. The President's Office received 841 complaints, the Cabinet of Ministers 101, and the Oliy Majlis 93. Most of the complaints originated in Surkhan-Darya, Samarkand, Namangan and Tashkent provinces and the city of Tashkent.

122. Procuratorial checks have also revealed breaches of the law with regard to the custody of convicted persons, for example overcrowding and violation of health standards, lack of opportunities to seek medical assistance, failure to observe sanitation and hygiene requirements, gross irregularities committed by officers of penal institutions, and so forth.

123. The Ministry of Internal Affairs reports that it has redrafted 52 regulations of the former USSR Ministry of Internal Affairs pertaining to the work of penal institutions since 1992. Today only seven regulations dating from the time of the USSR Ministry of Internal Affairs are still in force, and three of these are being redrafted and harmonized

124. On 25 February 1998 the Supreme Court sentenced 11 law-enforcement officers, including two officials of the Procurator's Office, eight internal affairs officials and a forensic expert, to lengthy periods of deprivation of liberty for offences under articles 230, 234 and 235 of the Penal Code (Prosecution of an innocent party, Unlawful arrest and Coercion to testify).

125. The law-enforcement authorities are the specialized institutions which monitor and supervise observance of the rule of law in the criminal justice system. They comprise the Ministry of Internal Affairs, the Procurator's Office, and the National Security Service. The courts afford judicial protection of citizens' rights and freedoms. The work of these specialized institutions is regulated by a number of instruments detailed below.

126. The human rights protection machinery includes two national institutions which afford extra-judicial protection of citizens' rights, namely the Human Rights Commissioner (Ombudsman) of the Oliy Majlis, and the National Centre for Human Rights of the Republic of Uzbekistan.

127. The Human Rights Commissioner (Ombudsman) of the Oliy Majlis is the official who verifies that State authorities, self-government authorities, public organizations and officials genuinely comply with current human rights legislation. The work of the Human Rights Commissioner is regulated by the special Human Rights Commissioner (Oliy Majlis) Act of 24 April 1997 and a number of regulations: the Regulations on the Commissioner, the Instruction on the Commissioner's Work, and the Regulations on the Commissioner's Secretariat.

128. The Ombudsman is Chairman of the Commission reporting to the Oliy Majlis on the observance of constitutionally guaranteed human rights and freedoms. The Commission was established pursuant to a decision of the Oliy Majlis dated 6 May 1995.

129. For the purposes of parliamentary scrutiny of compliance with human rights legislation, the Ombudsman is competent to examine complaints by citizens regarding violations of their rights and to prepare conclusions and recommendations on restoring the rights. In 1997 the Commissioner's Office handled 2,319 complaints, most of which were from citizens living in Tashkent, Samarkand and Fergana provinces. The overwhelming majority of complaints from citizens concerned the work of the courts and the law-enforcement authorities. Complaints about the unlawful conduct of law-enforcement officers increased particularly strongly in 1997. The Ombudsman's Office received 231 such complaints in 1997, and 533 in 1998. A study of the complaints shows that the most common grievance is the use of physical or mental violence by investigators during the investigation phase. For example, K.A. Atamuradov (born 1944), a resident of Samarkand province who is currently serving his sentence, sustained grievous bodily harm as a result of beatings by internal affairs investigators, in consequence of which he lost his sight and became a category-I invalid. The court paid no attention to this fact during the trial, considering it immaterial. Similar complaints were received in 1997 from N.I. Alyarov (a resident of Zangiatin district, Tashkent province), T. Ismailov (Khorezm province), G. Kolesova (Tashkent), B. Avezov (Bukhara province), and Z. Matyakubova (Samarkand). Many of the 533 complaints received by the Ombudsman's Office in 1998 concerned unlawful conduct by law-enforcement officers. Concealment of wrongdoing by officials of the internal affairs authorities is also ignored. For example, A. Ergashev, a resident of Bagdad district, Fergana province, complained to the Ombudsman's Office that no action had been taken with regard to his allegations of maladministration by senior officials in the district internal affairs department. In Surkhan-Darya province, T. Todzhiev, the deputy chief of the internal affairs department,

inflicted grievous bodily harm on B. Rakhimov, yet the latter's subsequent complaint went unheeded.

130. An analysis of the complaints reaching the Commissioner from the public indicates that the root causes of violations of citizens' rights are poor training and a contempt for legal procedure, bureaucracy in the law-enforcement system, and people's ignorance of the law and of how to stand up for their rights.

131. The National Centre for Human Rights was established pursuant to a Presidential Decree issued on 31 October 1996. The Centre has two public "surgeries", one devoted to public relations and the other to the rights of the child; both perform an advisory function. Complaints are handled by experienced judges and lawyers. In the first nine months of 1998, the National Centre received 161 complaints of human rights violations committed by the law-enforcement authorities. Of these, 91 concerned court verdicts, 34 concerned investigative irregularities committed by the Procurator's Office, and 36 concerned the unlawful conduct of internal affairs officials. In each case, legal advice was given and recommendations were sent to the relevant authorities.

132. Notwithstanding the efforts that are being made to prevent abuses in the justice system, the law-enforcement authorities are themselves reporting a number of problems. Similar violations are also being flagged by a number of NGOs such as Amnesty International and Human Rights Watch.

## Article 6

## Ensuring the right to life as an inalienable human right

133. The right to life is the inalienable human right of every citizen completely irrespective of sex, race or social origin. An effective system for the enforcement and protection of human rights is being established in Uzbekistan. This, too, relates not only to law-enforcement in the fight against crime, but also to comprehensively ensuring the security of human life in the social sphere. A State Programme for reforming the public health system, which assigned fundamental priority to reforming the public health system and adapting it to Uzbekistan's current stage of development, was prepared and adopted in 1998. Its main aim is the cardinal reform of the public health system for the period 1998 to 2005, in order to create the necessary conditions for providing quality, modern medical services. Particular attention has been given to motherhood and childhood. A number of programmes (campaign against child mortality, improving the environment, creating the necessary social conditions for bringing up a physically and morally healthy generation) have been drawn up and successfully implemented in Uzbekistan.

134. An important guarantee of the right to life is the system, based on legislation, of socio-economic, organizational and technical, sanitary and hygienic, and general health measures and resources intended to ensure the security and protection of health. The Ministry of Health plays a special role in ensuring the right to life and health. One of its principal spheres of activity has been the struggle against HIV, "the plague of the twentieth century", its prevention and treatment among adults as well as children. The Cabinet of Ministers has adopted a Resolution on establishing a national

coordinating council to prevent and combat HIV/AIDS and other sexually-transmitted diseases (STDs) in Uzbekistan. The Council has a permanent staff. National tests for HIV infection have been developed and used successfully.

135. The growth in STDs is causing alarm. In 1997-1998, 51 cases of HIV infection were recorded in Uzbekistan: 27 of those infected were foreigners and 24 permanent residents of Uzbekistan, eight have died of AIDS and two have left to reside permanently in the Russian Federation. Currently, 14 HIV-positive patients are under medical observation.

136. AIDS centres exist in every region, but they have no beds. Those who are found to be ill are transferred to Tashkent, which has an HIV centre with beds, nursing staff, equipment and its own instruments and implements. It is also planned to set up a surgical unit for HIV-positive patients. The increase in the number of cases points to a possible growth in HIV, and the Prevention of HIV Infection Act has therefore been adopted.

137. The Labour Protection Act of 6 May 1993 strengthens the State labour protection policy, which is based on principles of giving "priority to workers' life and health in relation to the results of the productive activity of the enterprise, for which environmentally safe working conditions, free special clothing, footwear and personal protective equipment, general medical care and other activity aimed at ensuring the constitutional right to life must be provided". The measures carried out have resulted in a decline in mortality from various diseases from 631.3% in 1995 to 580.5% in 1997, including falls from 297 to 274.3% for diseases of the circulatory system, from 43.8 to 39.5% from cancerous tumours and from 104.7 to 84.3% from respiratory diseases.

138. Criminal legislation, which contains a set of measures for the protection of people's life and health by the criminal law, is of special importance in protecting the right to life. In practice, one third of the criminal legal rules of the Special Section of the Penal Code prescribe criminal liability for causing harm to the life and health of citizens.

139. For particularly heinous premeditated crimes, the Penal Code prescribes the highest form of punishment - the death penalty. Up to 29 August 1998, the death penalty, as the supreme form of punishment, was sanctioned for offences under article 97 of the Penal Code (Premeditated murder with aggravating circumstances); article 118, paragraph 4 (Rape); article 119, paragraph 4 (Gratification of unnatural sexual desires by force); article 151 (Aggression); article 152 (Breach of the laws and customs of war); article 153 (Genocide); article 155 (Terrorism); article 157, paragraph 1 (Treason); article 158, paragraph 1 (Attempts on the life of the President); article 160, paragraph 1 (Espionage); article 242, paragraph 1 (Organization of a criminal association); article 246, paragraph 2 (Smuggling); and article 272, paragraph 2 (Unlawful sale of narcotics or psychotropic substances).

140. As a result of the implementation of international legal provisions through domestic law and the vigorous rights campaigns of extra-judicial protection bodies such as the National Centre for Human Rights, the Ombudsman and other NGOs, the Oliy Majlis passed the Amendments and Addenda to Selected Statutes Act on 29 August 1998. This Act stipulates that the following five crimes are no longer capital offences: gratification of unnatural sexual desires

by force (art. 119, para. 4); breach of the laws and customs of war (art. 152); attempts on the life of the President (art. 158, para. 1); organization of a criminal association (art. 242, para. 1); and smuggling (art. 246, para. 2).

141. The criminal justice system lays down severe punishment for genocide, i.e. the premeditated creation of living conditions calculated to achieve the total or partial physical extermination of any group of persons on national, ethnic, racial or religious grounds. Such total or partial physical extermination, forcible sterilization or transfer of children from one such group to another, or issuing orders to carry out these acts are punishable by deprivation of liberty of from 10 to 20 years or by death and confiscation of property.

142. The Government, with the President at its head, recognizing its full responsibility to observe the democratic and humanitarian principles of the developed citizen's society being formed in Uzbekistan, makes widespread use of acts of pardon and amnesty, in accordance with article 76 of the Penal Code, entitled "Release from punishment through amnesty or pardon".

143. Under an amnesty or pardon, a convicted person may be wholly or partially released from the original and any unserved additional sentence, or may be granted early conditional release, or the unserved part of the sentence may be replaced by a milder punishment. In the latter two cases, if the person granted an amnesty or pardon commits a further premeditated offence before the end of the unserved term, the court hands down a punishment in accordance with the rules laid down in article 60 of the Penal Code. The latest amnesty was adopted on 1 December 1998.

144. Since Uzbek criminal law stipulates that the death penalty may not be applied to women or to persons who have committed a crime under the age of 18, the question of the application of the death penalty does not arise.

## Article 7

## Prohibition of torture and cruel treatment or punishment

145. Any act related to the use of torture, violence or other cruel or degrading treatment is regarded as a heinous crime in the criminal legislation. Uzbek criminal law stipulates that law-enforcement officers shall be liable for acts of torture or cruel or inhuman treatment and punishment.

146. The basic principles of the Uzbek Penal Code prohibit torture and cruel treatment of suspects. This is evidenced by the principles set out in articles 1-10 of the Penal Code, which stipulate that the criminality, punishability and other legal consequences of acts shall be defined by the Penal Code alone, and that punishment and other legal sanctions are not intended to cause physical suffering or to degrade people. Rigorous penalties are prescribed only when the ends of punishment cannot be served by more moderate measures. Punishment or other legal sanctions against a convicted offender must be fair and commensurate with the gravity of the offence, the degree of fault and the risk which the individual poses to society.

147. As well as being outlawed by the general principles of justice, torture and cruel treatment are also proscribed by a special section of the Penal Code, namely chapter XVI, articles 230-241, entitled "Offences against justice". In order to address the problem of criminal prosecutions of persons known to be

innocent, articles 230-236 of the Code make it a criminal offence for judicial officers to prosecute a person known to be innocent for a socially dangerous act, to bring in an unjust verdict, to fail to enforce a judicial decision, or unlawfully to detain a person or remand him in custody.

148. Articles 234 and 235 provide for criminal liability for knowingly unlawful detention, i.e. short-term restriction of a person's liberty, and for coercion to testify, i.e. mental or physical pressuring of a suspect, accused person, witness, victim or expert by means of threats, blows, beatings, systematic or brutal violence, tormenting, causing actual or moderate bodily harm, or other unlawful acts. In both cases, criminal liability ranging from a fine to eight years' deprivation of liberty is prescribed for special categories of persons, namely law-enforcement officers (persons carrying out an initial inquiry or pre-trial investigation and procurators). The Code of Penal Procedure also contains safeguards against torture and cruel treatment of suspects. These are to be found in the rules and principles of the criminal justice system, specifically articles 11-27 of the Code of Penal Procedure.

149. The special rule contained in article 17 states that "Judges, procurators, and persons carrying out initial inquiries or pre-trial investigations are under an obligation to respect the honour and dignity of persons involved in a case". Paragraphs 2 and 3 of the same article state that "no one shall be subjected to torture, violence or other cruel, humiliating or degrading treatment. It is prohibited to perform acts or hand down judgements which humiliate or demean a person, will lead to the dissemination of details of his private life, thereby endangering the person's health, or cause unjustified physical or mental suffering".

150. The Code establishes the competence of each of the authorities conducting initial inquiries or other criminal investigations, defines the legal status of all persons involved in criminal proceedings (especially suspects, detainees, persons charged with an offence and persons standing trial), and also the procedures and details pertaining to preventive measures and the investigative process.

151. According to data from the Academy of the Ministry of Internal Affairs, the number of unlawful arrests fell from 1992 to 1998. In 1992 the total number was 76; in 1993, 52; in 1994, 38; in 1995, 45; in 1996, 20; and in 1997, 7. Concealment of unlawful arrest is also a breach of the Convention against Torture. The Interdepartmental Committee of Law-Enforcement Authorities reports that seven such cases were recorded nationwide in 1997, although further checks revealed five cases of unlawful arrest by officers from the internal affairs authorities in Samarkand province alone.

152. Procuratorial checks have also revealed breaches of the law with regard to the custody of convicted persons, for example overcrowding and violation of health standards, lack of opportunities to seek medical assistance, failure to observe adequate requirements in respect of sanitation and hygiene, gross irregularities committed by officers of penal institutions, and so forth.

153. Since the greatest number of infringements of the law are to be observed in the activities of the internal affairs authorities, often because of the low standard of legal and general knowledge and poor theoretical training of some officials, the Republic's leadership is working to make sure that unqualified staff found to have committed unlawful acts against people involved in law-

enforcement proceedings are removed from internal affairs authorities. This may be illustrated by the Presidential Order of 10 October 1998 on the establishment of commissions to evaluate the work of senior officials in the internal affairs authorities of the Republic of Uzbekistan.

154. Considerable efforts are also being undertaken by the judicial bodies to ensure the uniform application of rules, instructions, methods and practices for conducting investigations (particularly interrogations and arrangements for custody). This is exemplified by Supreme Court Plenary Decision No. 12 of 2 August 1997 on observance by the courts of procedural law in criminal proceedings at first instance.

155. In the context of the establishment of a democratic rule-of-law State in Uzbekistan, particular importance attaches to the strictest observance of the law and citizens' rights and to the issuance of sound and fair judgements in keeping with all the rules of procedural law. Most cases are considered by the Republic's courts in strict compliance with procedural law, but serious shortcomings that adversely affect the quality of the handling of cases still persist.

156. The adversarial principle and the legally guaranteed rights of the parties to judicial proceedings are not infrequently violated. Information about a defendant's character and circumstances that might rule out a prosecution are not always properly studied at the preliminary stage. There are cases of unjustified refusal to grant applications made by parties to the proceedings. The procedure for considering applications is itself also breached.

157. The records of court hearings often do not meet the established requirements. To prevent such infringements and ensure that procedural law is observed during judicial proceedings in criminal cases, the Supreme Court, meeting in plenary session, has drawn the attention of courts to the need for strict observance of procedural law during the hearing of criminal cases, bearing in mind that only precise and unswerving compliance with procedural law can ensure that the circumstances of a case are comprehensively, thoroughly and objectively examined, that the causes and circumstances contributing to the commission of offences are ascertained and that action by the courts serves the purpose of rehabilitation.

158. According to paragraph 3 of the above-mentioned Decision, "the officer presiding at a court hearing must fully inform the defendant of his rights, as well as explain to the parties, experts and specialists their rights and duties in the proceedings, and this must be duly reflected in the record of the hearing". The Supreme Court determined at its plenary session that "the attention of courts should be drawn to the fact that, when considering each case, they must study the evidence directly at the court hearing: question the defendants, victims and witnesses, hear the findings of experts, examine the physical evidence and read out records and other documents.

159. Testimony by the defendant may be read out only under the circumstances specified in article 104 of the Code of Penal Procedure, which provides an exhaustive list of such circumstances. Statements made by a witness or victim during a pre-trial investigation may be read out only if there are substantial discrepancies between them and statements made in court, or if the witness or victim is absent from the hearing owing to circumstances which make it impossible to appear in court.

160. The attention of courts is drawn in paragraph 8 of the Decision to the fact that, in accordance with articles 122-124 of the Code of Penal Procedure, a confrontation may be held to ascertain the reasons for any serious discrepancies between the statements made by two individuals during earlier questioning. The general rules for questioning are to be observed in any such confrontation. No excerpts from the written record of an interrogation or sound recordings of evidence given by these persons when questioned earlier may be heard until their statements during the confrontation have been taken down and entered in the record.

161. The plenary session drew particular attention to the special arrangements for conducting an investigation in respect of minors: "When hearing cases in which the defendants, victims or witnesses include minors, courts must take particular care to meet the requirements of articles 84, 121 (3) and 442 of the Code of Penal Procedure". Since the disclosure of certain details of cases may have an adverse effect on minors, courts must always consider whether minors need to be present in the courtroom when such details are examined.

162. Particular attention was devoted to the need for accurate reflection in the records of: applications filed by parties to judicial proceedings and the consideration of such applications; rulings issued by the court in a hearing without retiring to chambers for deliberations; statements made by the defendant on the substance of the charge brought against him and by witnesses or victims regarding the circumstances of the case, and the process of examining the evidence.

163. The Supreme Court drew the court's attention to the fact that, in accordance with paragraph 18 of its Plenary Decision No. 41 of 20 December 1996 on the practice for applying laws guaranteeing the right to defence, the presiding officer must, once judgement has been passed, inform the defendant and the other parties of the content of the judgement, of the procedure and time limit for appealing against it, and of their right to acquaint themselves with the record of the hearing. Where necessary, the defendant must be informed of the content of the judgement in his mother tongue or in a language he can understand through an interpreter. If a defendant receives the death penalty, he must also be informed of his right to apply for clemency. In accordance with paragraph 16 of Plenary Decision No. 41 of 20 December 1996 and article 449 of the Code of Penal Procedure, the defendant must be allowed to take part in the pleadings whether or not he has a lawyer.

164. The Supreme Court drew the attention of presiding magistrates to the need for constant improvement of their professional expertise, since their precise and unswerving fulfilment of all the requirements of procedural law and their skilful, wise and tactful guidance contribute greatly to the holding of a comprehensive, thorough and objective inquiry into the circumstances of a case, to the establishment of the truth and to ensuring that action by the courts serves the purpose of rehabilitation.

165. The Decision includes a recommendation that, when considering cases on appeal or under the judicial review procedure, the criminal division of the Supreme Court of the Republic of Uzbekistan, the Supreme Court of the Republic of Karakalpakstan, the Tashkent city and regional courts and the Military Court of the Armed Forces of the Republic of Uzbekistan should devote particular attention to compliance with penal-procedure law by courts of first instance and should systematically analyse errors in the application of such law during court

hearings of criminal cases, not disregarding a single instance of infringement. The law provides that none of these acts may contravene the law, however necessary they may be.

166. According to the Supreme Court's Plenary Decision No. 2 of 2 May 1997 on court judgements (para. 6), "... any evidence obtained unlawfully shall be devoid of evidential value and cannot form the basis of a judgement". By "evidence obtained unlawfully" is meant evidence obtained through the use of unlawful investigative methods or under mental or physical duress, or in violation of other rules of criminal procedure (for example, the right to legal defence). Where evidence is found to have been obtained unlawfully, the court must substantiate its decision to exclude it from the body of evidence in the case by indicating precisely how the law was breached. Substantiated findings by a court that the sum of evidence is inadequate, that evidence is inadmissible because it was obtained unlawfully, or that doubts that a defendant is guilty as charged cannot be dispelled are grounds for acquittal.

167. Article 17 of the Code of Criminal Procedure provides that courts may not mention in their judgements information that might humiliate or degrade a person, lead to the dissemination of details of his private life or cause him mental suffering, if that information has no bearing on the evidence in the case.

168. Article 2 of the Code of Penal Procedure states that one of the fundamental goals of penal-procedure law is to ensure protection of the rights, freedoms and legitimate interests of persons standing trial or serving a criminal sentence.

169. Notwithstanding the progress achieved, some shortcomings remain. The measures taken since independence to humanize and liberalize the system for holding prisoners in custody have brought changes only to the cruelest restrictions on material and everyday provisions and inhuman forms of disciplinary action. It has to be admitted that considerable restrictions are placed even on compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners.

170. The tasks facing Uzbekistan's penal enforcement system can be resolved only through the direct implementation of the fundamental provisions of the Constitution and the fulfilment of Uzbekistan's international obligations with respect to the observance of human rights and freedoms. A system for the vocational retraining of staff in penitentiary institutions, devoting special attention to ensuring human rights, is now being established in order to overcome the existing problems.

## Article 8

## Prohibition of slavery and the slave trade

171. Although not a party to the Slavery Convention, Uzbekistan complies with its fundamental provisions. Forced and involuntary labour are prohibited in Uzbekistan.

172. Labour relations are governed by the rules laid down in the Labour Code of 1994. Any terms in labour agreements or contracts that worsen the situation of workers by comparison with legislative and other normative instruments are

null and void. Article 6 of the Code prohibits discrimination in the workplace: "All citizens have equal opportunities to acquire and exercise labour rights. The establishment of any restrictions or advantages in labour relations on grounds of sex, age, race, nationality, language, social origin, property or official status, attitude to religion, beliefs, membership of public associations or other circumstances unrelated to a worker's professional qualities or the results of his work are not permitted and constitutes discrimination. Differences in the labour sphere caused by the inherent requirements of the work concerned or special care extended by the State to persons requiring greater social protection (women, minors, the handicapped, etc.) do not constitute discrimination. Any person who considers that he has been the subject of discrimination at work may request a court to remove the discrimination and compensate him for the material and moral damage suffered".

173. All forms of forced labour are prohibited by law. Forced labour, i.e., coercion to carry out work under the threat of any kind of punishment (including as a means of maintaining labour discipline) is prohibited. Work that has to be done on the basis of legislative instruments concerning military or alternative service, in emergencies, in pursuance of a court sentence that has entered into force, or in other cases provided by law are not considered to be forced labour (art. 7). The working conditions of persons deprived of their liberty are governed by the rules laid down in the 1997 Penal Enforcement Code.

## Article 9

## Ensuring the right to freedom and inviolability of the person

174. Freedom and inviolability of the person are enshrined and guaranteed in the Constitution.

175. The Penal Enforcement Code provides legal regulation of detention procedures, as it does for any restriction of liberty. The principal rules for detention may be summarized as follows:

(1) Detention means short-term deprivation of the liberty of a person suspected of having committed a crime, with the aim of stopping his criminal activity and preventing him from escaping and concealing or destroying evidence;

(2) Detention may occur before or after criminal proceedings are instituted. In the latter case, detention is permitted only on the order of the officer conducting the inquiry, the investigating officer, the procurator or a judge.

(3) A person suspected of having committed a crime may be detained if:

(a) he is caught during or immediately after the commission of the crime;

(b) witnesses, including victims, incriminate him directly;

(c) clear traces of the crime committed are found on him or his clothing;

(d) there are grounds for suspecting the person concerned of having committed the crime, or he attempted to escape or has no fixed abode, or his identity has not been established.

(4) A member of the militia or other investigative authority, and any competent person, may detain and hand over to the nearest militia institution or other law-enforcement authority, a person whom he suspects of having committed a crime on the grounds indicated above.

(5) Deputies, judges and procurators may not be detained and handed over to the militia or other law-enforcement authority.

(6) When the detainee has been handed over to the militia or other law-enforcement authority, the duty or other officer of the law-enforcement authority shall immediately, on the order of his superior, prepare a detention report indicating the identity of the detainee and by whom, where, in what circumstances and on what legal grounds he was detained, of what crime he is suspected, and at what time he was handed over to the militia institution or other law-enforcement authority. The report shall be signed by the officer of the militia or other law-enforcement authority assigned to verify that detention was justified, by the competent person or citizen who carried out the arrest, by the detainee and by any witnesses.

(7) Verification of the justification for detention and any request for, and examination of, documents must be completed within 24 hours after the detainee has been handed over to the militia institution or other law-enforcement authority.

(8) If the detention is not justified, the militia departmental head or other competent person shall issue an order to free the detainee. A copy of the order shall be transmitted immediately to the procurator.

(9) A suspect shall be informed immediately of orders for detention, for bringing proceedings and for his indictment, and his rights shall be explained to him at the same time.

(10) Knowingly unlawful short-term detention, i.e. restriction of a person's liberty, by an officer conducting the initial inquiry or pre-trial investigation or by a procurator is punishable by a fine of up to 50 times the minimum wage or by rigorous imprisonment for up to six months.

(11) Knowingly unlawful remand in custody is punishable by a fine of from 50 to 100 times the minimum wage or by deprivation of liberty for up to three years (Penal Code, art. 234).

(12) Upon establishing, either directly or from eyewitnesses' accounts, the existence of one of the grounds for detention, the militia officer, other competent person or citizen is obliged to inform the suspect that he is being arrested for the commission of a crime and to invite him to proceed to the nearest militia institution or other law-enforcement authority. The detainee must then identify himself and, on the request of the arresting officer, present an identity document.

(13) The competent person carrying out the arrest may carry out a personal search or seizure if there are sufficient grounds to presume that the detainee is carrying a weapon or intends to dispose of evidence indicating that he has committed the crime. A report of personal search or seizure may be drawn up after the detainee has been handed over to a militia institution or other law-enforcement authority in the presence of witnesses.

(14) Competent persons and citizens carrying out unlawful or unwarranted arrests or exceeding their authority during an arrest shall bear the liability laid down by law.

(15) Detention may not last longer than 72 hours. If there are grounds for doing so, the person concerned must be indicted, he must be informed of the charge and interrogated and any preventive measure must be selected before expiry of the detention period.

(16) In exceptional cases, if authorized by the procurator, the detainee may be remanded in custody as a preventive measure. In such cases the detainee must be informed of the charge within 10 days from the day of his arrest. If this is not done, the preventive measure shall be cancelled and the detainee released from custody. After proceedings have been brought and throughout the detention period, the officers carrying out the inquiry and the pre-trial investigation may, within the limits of their competence, carry out investigative acts to establish the circumstances in which the crime was committed and to verify whether or not the detention is justified.

(17) On the basis of an order concerning detention or indictment issued by an officer carrying out the inquiry or investigation, a procurator or a judge, an officer of the militia or other law-enforcement authority shall, in compliance with the rules set out in article 224 of the Code, immediately hand over the detainee to the nearest militia institution or other law-enforcement authority. The competent person or judge who issued the detention order shall be informed immediately of the detention.

(18) In the case of the arrest of a defendant being sought by the authorities, if there is no order for his remand in custody as a preventive measure, the regional (urban) prosecutor at the place of arrest may issue an order for his detention for the time necessary to transfer him to the place where the investigation is to be carried out, but not more than for 10 days. Before issuing the order, the procurator must interrogate the detainee.

(19) The time that has elapsed since the suspect's arrest shall be taken into account in the period of remand in custody and in any sentence handed down by the court in the proportion stipulated in article 62 of the Penal Code.

(20) When the detainee has been handed over to a militia institution or other law-enforcement authority, he shall be held in service quarters not used for deprivation of liberty or in solitary isolation. A military detainee shall be held in the guardroom.

(21) In certain localities, detainees may exceptionally be held in specially adapted premises; on ships, they may be held in specially designated cabins.

(22) Special rooms shall be equipped for detainees in punishment colonies.

(23) Holding detainees in disciplinary sections of penal institutions (punishment cells and solitary isolation) shall not be permitted.

(24) Detainees must be held separately from those remanded in custody as a preventive measure or serving a sentence. Detainees held on suspicion of having committed a crime shall be placed in detention rooms complying with the following conditions of isolation:

(a) men and women shall be separated;

(b) minors and adults shall be separated; in exceptional cases, with the procurator's authorization, adults may be held in minors' rooms;

(c) particularly dangerous recidivists shall be held separately from other detainees.

(25) Persons detained on suspicion of having committed the same crime shall, on the written instructions of the officer conducting the inquiry or pre-trial investigation or the procurator, be held separately. On the written instructions of the officer conducting the inquiry or pre-trial investigation or the procurator, detainees may also be held separately for other reasons.

(26) A person detained on suspicion of having committed a crime is entitled to use his clothes, footwear and other necessary items as listed by law.

(27) Persons detained on suspicion of having committed a crime shall be held in premises that comply with the health and hygiene regulations of the Ministry of Public Health and the Ministry of Internal Affairs.

(28) Medical services to detainees and health care in premises where they are held shall be organized and carried out in accordance with the law.

(29) Detainees shall be provided with food, sleeping quarters and other forms of everyday essentials free of charge, in accordance with established standards.

(30) Visits to detainees by relatives and other persons shall be granted by the administration of the place where they are being held only with the written authorization of the officer conducting the inquiry or investigation who is producing the documents relating the detention.

(31) Complaints and statements addressed by persons detained on suspicion of having committed a crime to the procurator or officer conducting the inquiry or pre-trial investigation shall be submitted to them.

(32) Complaints and statements addressed to other persons and bodies shall also be submitted to the officer conducting the inquiry or pre-trial investigation, who shall peruse them and send them on to the appropriate

quarter. Complaints and statements which relate to actions and decisions of the officer conducting the inquiry or investigation shall be sent to the head of the investigative authority or the procurator. Complaints and statements containing information the disclosure of which might hinder establishment of the truth in a criminal case shall not be sent on to the appropriate quarter, and the person who submitted the complaint or statement, and the procurator, shall be so advised.

(33) Responsibility for order in premises for holding detainees rests with their administration, which shall act in accordance with the relevant chapter of this Code and other legislative instruments.

(34) In order to prevent their causing harm to the environment or to themselves, detainees held on suspicion of having committed a crime who behave in an unruly manner, put up physical resistance to the staff of detention centres or carry out other acts of violence may be handcuffed, in which case a report shall be prepared. If necessary, such persons may be housed separately from other detainees under procedures laid down by the internal regulations in detention centres.

(35) Persons detained on suspicion of having committed a crime shall be released if:

(a) the suspicion that they have committed a crime is not confirmed;

(b) there is no need to remand the detainee in custody as a preventive measure;

(c) the statutory detention period has elapsed.

(36) A detainee shall be released by the head of the detention centre on the order of the officer conducting the inquiry, the officer conducting the pre-trial investigation, the procurator or a judge. The release order shall be given immediate effect when it is received at the detention centre.

(37) If the officer conducting the inquiry or investigation establishes that there are no grounds for further detention, he shall immediately free the detainee. If, in the statutory detention period, no decision of the procurator or officer conducting the inquiry or investigation to release the detainee or to remand him in custody as a preventive measure has been received at the detention centre, the head of the detention centre shall release him and notify the procurator or officer conducting the inquiry or investigation accordingly.

(38) If necessary, the administration of the detention centre shall provide persons released therefrom with free travel to their place of residence; at their request, it shall issue a certificate indicating the period during which they were at the detention centre.

(39) Full compensation shall be paid for any harm caused to a person by unlawful detention, if he is subsequently acquitted or his case is closed for the reasons set out in article 83 of the Code.

176. In addition, the humaneness of the Uzbek State can be seen in the fact that article 555 of the Code of Penal Procedure provides, together with a number of other preventive measures, for the following: written undertaking of good behaviour, personal surety, surety of a public association or collective, deposit and release under surveillance. A minor may also be released to the supervision of his parents, guardians or foster-parents or the director of his children's institution if he is being brought up there.

177. Under article 558 of the Code of Penal Procedure, remand in custody as a preventive measure may be applied only in exceptional cases, when a minor is charged with committing a crime for which he may be sentenced to deprivation of liberty for more than three years and when other preventive measures cannot ensure the necessary conduct on the part of the accused.

178. Young persons deprived of their liberty have the right of immediate access to legal aid through the services of defending counsel from the time of the first interrogation as a suspect or a defendant. The inclusion in the Penal Code of legal standards governing the compulsory participation of their legal representatives or parents at all interrogations of minors may be considered as one of the ways of increasing safeguards for the protection of minors' rights and legitimate interests.

179. Article 13 of the Penal Code stipulates that " Physical persons of sound mind who have reached the age of 16 before commission of the crime bear liability".

180. Persons who have reached the age of 13 before commission of a crime bear liability only for premeditated murder with aggravating circumstances (article 97, second paragraph).

181. Persons who have reached the age of 14 before commission of a crime are liable for the crimes specified in articles 97, first paragraph, 98, 104-106, 118, 119, 137, 164-166, 169, 173, second and third paragraphs, 220, 222, 247, 252, 263, 267, 271, and 277, second and third paragraphs, of the Code.

182. Persons who have reached the age of 18 before commission of a crime are liable for the crimes specified in articles 122, 123, 127, 144, 146, 193-195, 205-210, 225, 226, 230-232, 234, 235 and 279-302 of the Code. Liability of persons who have committed crimes before the age of 18 arises in accordance with the general provisions of this Code and taking into account the special conditions set out in section 6 of its General Part.

183. Uzbek law provides that persons carrying out initial inquiries or pre-trial investigations and procurators who knowingly cause an innocent person to be prosecuted for a socially dangerous act will be punishable by deprivation of liberty for up to five years. If the prosecution brought in such circumstances is for a serious or particularly serious socially dangerous act, the offending official is punishable by deprivation of liberty for between five and eight years (Penal Code, art. 230).

184. The issuance of an unlawful judgement, decision, ruling or order is punishable by deprivation of liberty for up to five years. Should such an offence result in someone's death or other serious consequences, it is

punishable by deprivation of liberty for between 5 and 10 years (ibid., art. 231).

185. Coercion to testify, i.e. the mental or physical pressuring by a person carrying out an initial inquiry or preliminary investigation or a procurator of a suspect, accused person, witness, victim or expert by means of threats, blows, beatings, systematic or brutal violence, tormenting, causing actual or moderate bodily harm or other unlawful acts with a view to compelling the giving of evidence is punishable by rigorous imprisonment for up to six months or by deprivation of liberty for up to five years. When such action results in serious consequences, it is punishable by deprivation of liberty for between five and eight years (ibid. art. 235).

186. The issuance of an unlawful judgement, decision, ruling or order is punishable by deprivation of liberty for up to five years. Should such an offence result in someone's death or other serious consequences, it is punishable by deprivation of liberty for between 5 and 10 years (ibid., art. 231).

187. Knowingly unlawful detention, i.e. short-term restriction of a person's liberty, by a person conducting an initial inquiry or pre-trial investigation or by a procurator is punishable by a fine of up to 50 times the minimum wage or by rigorous imprisonment for up to six months.

188. Knowingly unlawful remand in custody is punishable by a fine of from 50 to 100 times the minimum wage or by deprivation of liberty for up to three years (ibid., art. 234).

189. Coercion to testify, i.e. the mental or physical pressuring by a person carrying out an initial inquiry or preliminary investigation or a procurator of a suspect, accused person, witness, victim or expert by means of threats, blows, beatings, systematic or brutal violence, tormenting, causing actual or moderate bodily harm or other unlawful acts with a view to compelling the giving of evidence is punishable by rigorous imprisonment for up to six months or by deprivation of liberty for up to five years. When such action results in serious consequences, it is punishable by deprivation of liberty for between five and eight years (ibid. art. 235).

## Article 10

## Humane treatment of persons deprived of their liberty

190. The legal situation of convicted persons, the rights and obligations of administrations of penal institutions and all related issues are regulated by the provisions of the 1997 Law Enforcement Code. This Code stipulates that convicted persons have the *following rights:*

(1) To be informed of the procedures and conditions for serving their sentence, their rights and their obligations.

(2) To submit suggestions, statements and complaints, in their native language or in another language, to the administration of the institution or body carrying out the sentence, other State authorities and public associations.

(3) To receive replies to their suggestions, statements and complaints, in the same language. If this cannot be done, the reply shall be given in the Uzbek language. The reply shall then be translated by the institution or body carrying out the sentence into the language of submission of the person sentenced to rigorous imprisonment, sent to disciplinary premises or deprived of his liberty.

(4) To provide explanatory material and engage in correspondence, using the services of a translator where necessary.

(5) To use educational, artistic and other information materials.

(6) To receive health care, including medical care as an outpatient and an in-patient, depending on the medical findings.

(7) To receive social welfare, including a pension in accordance with the law.

191. Depending on the type and seriousness of the crime, convicted persons serve their sentence in penal institutions. These are divided into prisons (for those who have committed particularly dangerous crimes), colonies with an intensive, strict or general regime (for those who have committed crimes of varying degrees of social danger) and re-educational labour colonies for those who have committed crimes under the age of 18. The procedures and conditions under which convicted persons serve their sentences are strictly regulated by the provisions of the Law Enforcement Code. Despite this, official checks have revealed substantial problems.

192. Foreign convicted persons also have the right to communicate with the diplomatic representatives of the State which has assumed responsibility for the protection of their interests.

## Article 11

## Prohibition of arbitrary imprisonment for failing to fulfil a contractual obligation

193. The law stipulates that failure to fulfil contractual obligations does not constitute grounds for detaining a person or depriving him of his liberty, provided that the non-fulfilment of contractual obligations is not fraudulent, i.e., the contract has not been fulfilled on purpose and could have been fulfilled. No cases of detention or deprivation of liberty for failing to fulfil a contractual obligation are known.

194. Although the Constitution provides a number of effective safeguards against arbitrary deprivation of liberty, certain problems have arisen in the implementation of this principle. In most cases, for example, industrial (criminal) cases are heard by law-enforcement authorities and the rules of contract (industrial) law are almost never applied. The vast majority of industrial contracts are enforced through powers of administrative penal compulsion - something which is, of course, due to the difficulties of the transitional period. Under cover of seeking the truth, however, the structures exercising these powers secretly exert pressure on entrepreneurs. The number of persons brought to trial for so-called "economic" crimes remains substantial.

## Article 12

## The right to liberty of movement and freedom to choose one's residence

195. Article 28 of the Constitution states: "A citizen of the Republic of Uzbekistan shall have the right to freedom of movement on the territory of the Republic, and to free entry to and exit from it, except for the restrictions established by law".

196. In addition to a special law, a number of normative instruments regulate, in varying degrees, issues relating to freedom of movement and nationality. They include the Presidential Decree of 23 September 1994 on the implementation of the Regulations on the passport system in the Republic of Uzbekistan, the Regulations on permits for foreigners and stateless persons to reside in the Republic of Uzbekistan and certification of stateless persons (Annex to the Decree of 23 September 1994), and Resolution No. 143 of the Cabinet of Ministers of 14 March 1997, under which CIS citizens have the right of entry into and travel within Uzbekistan without a visa if they have documents to prove their identity or nationality. With a view to ensuring public order and security, the presence of citizens of foreign countries is now subject to registration.

197. Matters relating to internal migration are governed by the following normative instruments: the Employment of the Population Act of 13 January 1992 (with the amendments and additions introduced under the Acts of 7 May 1993, 6 May 1994 and 6 May 1995), Ordinance No. 81-f of the Cabinet of Ministers of 24 March 1995 on the establishment of an interdepartmental commission for the selection of citizens of the Republic of Uzbekistan to be sent to work abroad, the Regulations on the system for attracting and using foreign labour in the Republic of Uzbekistan (Annex No. 2 to Resolution No. 408 of the Cabinet of Ministers of 19 October 1995), the Regulations on the system for the professional activity of citizens of the Republic of Uzbekistan abroad (Annex No. 1 to Resolution No. 408 of the Cabinet of Ministers of 19 October 1995), Resolution No. 408 of the Cabinet of Ministers of 19 October 1995 on the professional activity of citizens of the Republic of Uzbekistan abroad and of foreign citizens in the Republic, the Regulations on a Republic office for migrant workers' affairs under the Ministry of Labour of the Republic of Uzbekistan, Annex No. 1 to Resolution No. 353 of the Cabinet of Ministers of 14 July 1993 and Resolution No. 353 of the Cabinet of Ministers of 14 July 1993 on the regulation of issues relating to the import and export of manpower.

198. More than 347,500 people were involved in migration in Uzbekistan in 1996, against more than 770,000 in 1992. In general, there was a considerable increase in migration in the 1980s and the early 1990s.

199. Migration has declined over the past five years. For example, whereas the number of migrants per thousand was 37 in 1992, in 1996 it was 15. The figure was 26 in towns and 4 in the country. Of the total number of migrants over the age of 16, 36% were unmarried. The principal reason for the migration of women was a personal one - to be married. The principal reason for men was travel to a job or to leave a complex family. The rate of migration varies by nationalities. Geographical mobility is much lower among native nationalities than among non-native ones.

200. The rate of migration for people of Uzbek nationality was 12 per thousand in 1996, whereas that of Russians is more than 2.5 times and that of Ukrainians almost three times higher. The proportion of migrants of working age is 77.5%, while 16% are younger and 6.5% older. The most active migration is among young people in the 16-19 and 20-24 age groups. Women migrants are in the majority, constituting 51.1% of arrivals and 51.7 of departures. A qualitative study of migrants reveals that the overwhelming majority of persons leaving Uzbekistan are of non-native nationalities, mainly leaving the cities. Most of them have a high level of skills and education.

## Article 13

## Grounds for expelling aliens

201. The rules governing expulsion, return and extradition, especially of Uzbek citizens, are to be found in a number of regulatory instruments, primarily the Citizenship Act, the Penal Code and the provisions of various bilateral and multilateral agreements to which Uzbekistan is a party.

202. Article 8 of the Citizenship Act states that "the Republic of Uzbekistan shall afford assistance and protection to Uzbek citizens outside the territory of Uzbekistan".

203. An Uzbek citizen may not be extradited to another State unless otherwise provided in an international treaty to which Uzbekistan is a party.

204. Articles 11 and 12 of the Penal Code define the territorial scope of the criminal law by stating that anyone who has committed an offence in the territory of Uzbekistan will be liable under the Penal Code of the Republic of Uzbekistan.

205. Matters relating to the liability of aliens who, under current law or international treaties or agreements, are not subject to the jurisdiction of Uzbek courts for crimes committed in Uzbekistan, are resolved on the basis of the rules of international law.

206. Generally speaking, questions of the extradition, expulsion or return of persons in whose regard there are substantial grounds for believing that they would be in danger of being subjected to torture are regulated by bilateral agreements (primarily treaties on judicial assistance and legal relations in civil, family and criminal cases). Uzbekistan has concluded such agreements with a number of States, including all the CIS countries. The above relations are usually governed by model rules under the heading "Extraditable offences", on the following pattern:

(a) The contracting parties undertake, in accordance with the provisions of the treaty (on judicial assistance and legal relations in civil, family and criminal cases), reciprocally to extradite upon request, for the purposes of criminal prosecution or enforcement of a court judgement, persons present in their respective territories;

(b) Extradition is possible for acts which are offences under the law of both contracting parties, and for which the prescribed penalty is deprivation of liberty for more than one year or more serious punishment.

207. Extradition for the purpose of enforcing a court judgement is possible when the person in question has been sentenced to more than six months' deprivation of liberty or to more serious punishment. Extradition may be refused if:

(a) The person whose extradition has been requested is a citizen of the contracting party receiving the request, or has been granted the right of asylum in that State;

(b) The law of the contracting parties provides that criminal proceedings may be initiated only pursuant to a personal complaint by the victim;

(c) At the time the request is received, prosecution under the law of the contracting party receiving the request or enforcement of a court judgement is time-barred or precluded for some other legitimate reason;

(d) A legally enforceable ruling or decision to halt proceedings against the person whose extradition has been requested has been handed down in the territory of the contracting party receiving the request in respect of the same offence.

An extradition request may also be refused if the offence to which it refers was committed in the territory of the contracting party receiving the request. Upon refusal of an extradition request, the requested contracting party must notify the requesting contracting party of the grounds for refusal.

208. Uzbek law does not contain any specific rules prohibiting the expulsion, return or extradition of a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture; there are only referential rules to the effect that the principle of the primacy of international law applies in such cases.

## Article 14

## Equality of citizens before the law

209. Justice in Uzbekistan is administered solely by the court. Judges are independent and subordinate only to the law. Any interference in the work performed by judges to administer the law is prohibited and carries legal liability.

210. The judiciary in Uzbekistan functions independently of the legislative and executive branches, political parties and public organizations. The Courts Act, under which "…judges in the Republic of Uzbekistan have the same status and differ only in their powers and competence", was adopted on 2 September 1993.

211. The independence of judges is ensured by: (a) the system laid down by law for their selection, appointment and dismissal; (b) the inviolability of judges; (c) the strict procedure for the administration of justice; (d) secrecy of judges' communications in handing down verdicts and the prohibition of any request for disclosure; (e) liability for contempt of court or interfering in the settlement of individual cases and infringing the inviolability of judges;

(f) State-funded material and social benefits for judges befitting their high status.

212. Citizens have the right to make a complaint against a judge's verdict if they disagree with it, through either appeal or supervision. An appeal may be lodged with the superior court within 10 days of the verdict. After this period has expired, complaints may be lodged with a request for supervisory review.

213. Figures released by the Supreme Court show that in 1997 2,395 appeals were heard: in 1,418 cases the verdict was left unchanged, in 716 cases the verdict was changed in favour of the defendant, in 121 cases the verdict was quashed and the case considered in a supplementary investigation (15) or at a new trial in a differently constituted court (106). In the first nine months of 1998, 1,607 appeals were heard: 1,117 verdicts were left unchanged, in 326 cases judgement was given in favour of the defendant, and the verdict was changed in 74 cases (14 sent for supplementary investigation, 60 for a new trial).

214. The Supreme Court reports the following data:

| | 1997 | 1998 (nine months) |
|---|---|---|
| cases heard | 488 | 354 |
| demurral refused | 281 | 186 |
| demurral entered | 191 | 152 |
| (of which, on citizens' appeals) | 172 | 148 |

215. Uzbekistan has a bar system comprising all lawyers' firms, chambers and associations at the national, provincial, district and urban levels. Lawyers carry out their professional duties under the Bar Act of 27 December 1996, which states:

> "The Bar is a legal institution consisting of independent and voluntary professional associations of persons working as lawyers and persons in private legal practice. In accordance with the Constitution of the Republic of Uzbekistan, lawyers provide legal assistance to citizens of Uzbekistan, foreign citizens, Stateless persons, enterprises, institutions and organizations".

The Act on Strengthening Lawyers' Social and Legal Protection was adopted to provide genuine safeguards of lawyers' rights and enhance their legal status. The Association of Lawyers of the Republic of Uzbekistan has been set up and is in operation.

216. People's advisory services are being developed to ensure the reliable administration of justice in Uzbekistan. They receive financial and technical assistance from the Government and international organizations. UNDP provides large-scale assistance in the organization of advisory services. They are provided by the "Adolat" centre attached to the Ministry of Justice, the Commissioner for Human Rights of the Oliy Majlis (Parliament), the National Centre for Human Rights and a network of legal advice bureaux. A number of NGOs also offer advice on judicial and legal matters.

## Article 15

### Determining the criminality and punishability of unlawful acts

217. In Uzbekistan, the criminality and punishability of an act is based on the generally accepted principles of criminal law.

218. Under the first paragraph of article 13 of the Penal Code, the criminality and punishability of an act is determined by the law in force at the time of its commission. The second paragraph of that article contains a provision listing exceptions to this general rule and stipulating that, where a person has committed a criminal act before the entry into force of a new law, or a person is serving or has served a sentence but has a criminal record, the new law shall be applied if it provides that the act is not a criminal one, reduces the punishment or improves the position of such persons in any other way.

219. Conversely, under the third paragraph of article 13, a subsequent law which establishes the criminality of an act, increases the punishment or worsens the position of the person concerned does not have retroactive force, i.e. cannot be applied to acts committed before its entry into force or to those who committed them. A law that provides that the act is not a criminal one is a law that removes the act from the list of offences. As soon as such a law enters into force, criminal cases against persons having committed that act being heard by investigative bodies and courts must be stopped; the persons convicted of the act must be acquitted and persons having served a sentence but with a criminal record must have that record expunged.

220. A law is regarded as reducing a punishment if it:

(a) reduces the maximum basic or supplementary punishment;

(b) reduces the minimum basic or supplementary punishment;

(c) excludes a more severe alternative punishment;

(d) includes a less severe alternative punishment;

(e) establishes an administrative pre-trial procedure;

(f) basic punishments being equal, excludes supplementary punishment

(g) basic punishments being equal, provides for a less severe form of supplementary punishment.

## Article 16

### Legal personality of citizens

221. The Citizenship Act of 1992 lays down the right of persons to citizenship and the grounds for acquiring, retaining and losing it. A citizen of Uzbekistan carries out obligations to the State determined by law, and as a citizen of Uzbekistan he enjoys all the rights enshrined in the Constitution.

222. In accordance with general legislative principles, legal personality may not depend on sex, race, social origin or religion. Under Uzbek law, a person's legal capacity arises from the time of his birth and ends with his death.

223. The question of a person's responsibility (his ability to exercise his rights) is resolved separately in each branch of law. Under the Penal Code, physical persons of sound mind over 16 years of age at the time they committed a crime have responsibility. A person is of sound mind if, at the time the crime was committed, he realized the social danger of his act and committed it knowingly.

224. A person who, at the time a socially dangerous crime was committed, was not of sound mind, i.e. was incapable of realizing the significance of his actions or was not in control of them because of chronic physical illness, temporary mental derangement, feeble-mindedness or any other morbid mental derangement, is not liable. The court may apply compulsory medical measures to a person who has committed a socially dangerous crime and has been declared of unsound mind.

225. Persons who have reached the age of 13 before ommission of a crime bear liability only for premeditated murder with aggravating circumstances (article 97, second paragraph). Persons who have reached the age of 14 before commission of a crime are liable for the crimes specified in articles 97, first paragraph, 98, 104-106, 118, 119, 137, 164-166, 169, 173, second and third paragraphs, 220, 222, 247, 252, 263, 267, 271, and 277, second and third paragraphs, of the Penal Code.

226. Persons who have reached the age of 18 before commission of a crime are liable for the crimes specified in articles 122, 123, 127, 144, 146, 193-195, 205-210, 225, 226, 230-232, 234, 235 and 279-302 of the Penal Code. Liability of persons who have committed crimes before the age of 18 arises in accordance with the general provisions of this Code and taking into account the special conditions set out in section 6 of its General Part.

227. All citizens have legal capacity equally in civil law. A citizen's legal capacity arises from the time of his birth and ends with his death. A person's responsibility arises fully upon his attaining the age of majority, at 18.

228. A citizen who marries lawfully before attaining the age of majority acquires full responsibility from the time of his marriage. Such responsibility is fully retained even if the marriage is dissolved before he reaches the age of 18. In annulling the marriage, the court may decide that a minor spouse should lose full responsibility from a time determined by the court.

229. No one may be restricted in his legal capacity or responsibility except in the cases and under the procedure established by law. Non-compliance with the conditions and procedures established by law for restricting the responsibility of a citizen renders the act of the State body which applied the restriction null and void.

230. Full or partial refusal of a citizen's legal capacity or responsibility and other arrangements aimed at restricting legal personality or responsibility are invalid unless permitted by law.

231. A special system for determining legal personality exists under article 23 of the Elections to the Oliy Majlis of the Republic of Uzbekistan Act and the relevant normative instruments governing citizens' electoral rights. For example, citizens convicted of premeditated crimes, citizens who were not resident in Uzbekistan for a continuous period of five years before the designated date of elections, members of the Uzbek armed forces, members of the National Security Service, the Ministry of Internal Affairs and other military departments, and professional ministers of religious organizations and other associations may not be registered as candidates for election to the Oliy Majlis.

232. Members of the Government, judges, the Procurator-General and officials of procuratorial bodies, heads of ministries and departments and their deputies, and officials of the executive branch (except regional, district and urban khokims) may be registered as candidates for election to the Oliy Majlis provided they certify that they will leave their posts if elected as deputies.

233. The Citizenship Act of 1992 lays down the right of persons to citizenship and the grounds for acquiring, retaining and losing it. A citizen of Uzbekistan carries out obligations to the State determined by law, and as a citizen of Uzbekistan he enjoys all the rights enshrined in the Constitution.

234. Uzbekistan has a single national citizenship that is equal for all Uzbek citizens and guarantees the legal protection of its citizens' interests both in Uzbek territory and abroad. The State ensures the rights and freedoms of foreign citizens and stateless persons in accordance with the principles of international law.

## Article 17

## Inviolability of the person

235. Article 27 of the Constitution states that everyone in Uzbekistan "has the right to protection against encroachments on his honour and dignity and interference in his private life and to inviolability of his home. No one may enter a home, carry out a search or inspection, or violate the privacy of correspondence and telephone conversations except in the cases and under the procedure established by law". This article is intended to safeguard and protect personal non-property rights, the honour and dignity of the individual, private life and inviolability of the home.

236. Article 100 (Protection of Honour, Dignity and Business Reputation) of the Civil Code stipulates that a citizen is entitled to ask a court to refute information which brings into disrepute his honour, dignity or business reputation, unless the person who disseminated the information can show that it corresponds to reality.

237. Private life and property are also inviolable. Intrusions in this field are governed by the Property Acts and the Housing Code. The Code of Administrative Liability contains a general principle relating to liability for

disclosing information that may cause material and moral harm to a citizen. Article 46 states: "Violation of medical or commercial secrecy or secrecy of correspondence or other communications, notarial documents, bank operations and savings, or disclosure of any other information that may cause either moral or material harm to a citizen, his rights, freedoms and laws, attracts liability in the manner prescribed".

238. The laws of penal procedure contain legal principles determining the grounds for, manner of and formal procedure for intercepting, seizing and inspecting postal and telegraphic dispatches, as well as the grounds and procedure for listening in to conversations held over the telephone and other communication equipment.

239. In particular, under article 166 of the Code of Penal Procedure, the person carrying out the inquiry or pre-trial investigation or the court may order the interception of all the postal and telegraphic dispatches of a suspect, accused or defendant sent to other persons or on their behalf if there are sufficient grounds to believe that they contain information about a crime that has been committed or documents or objects of significance in the case.

240. In such cases, the person carrying out the inquiry or pre-trial investigation issues a decision which is authorized by the procurator, and a court issues a finding. Under the laws of penal procedure, postal and telegraphic dispatches include letters of all kinds, telegrams, radio telegrams, printed matter, parcels and packages. Under article 167 of the Code of Penal Procedure, inspection or seizure of postal and telegraphic dispatches is carried out in post offices in the presence of witnesses and, where necessary, with the participation of the appropriate expert or person carrying out the inquiry or investigation.

241. The existence of sufficient evidence in the case constitutes sufficient grounds for listening in to conversations held over the telephone and other communication equipment (Code of Penal Procedure, art. 169). In urgent cases, the person carrying out the inquiry or investigation may issue a decision concerning wire-tapping without the procurator's authorization but must immediately inform him thereof in writing (art. 170).

242. The right to inviolability of the home means that no one has the right, except on lawful grounds, to enter premises used for permanent or temporary residence against the will of the people living there. This right extends to all homes, houses and buildings. All citizens occupying separate houses and flats have this right, irrespective of ownership.

243. Intrusion into a home is permitted only in the cases and the manner strictly prescribed by law. Intrusion into citizens' homes without their consent is permitted in emergencies such as a fire, water or gas leak, etc.

## Article 18

## Ensuring freedom of conscience

244. Under article 31 of the Constitution, "Freedom of conscience is guaranteed to all. Everyone shall have the right to profess or not to profess any religion. The compulsory imposition of religion shall not be permitted".

245. A sociological survey carried out in Uzbekistan by the International Foundation for Election Systems (IFES) found that in 1997, when asked "Do you believe in God?", 94% of respondents answered "Yes", 5% "No" and 1% "Don't know". When asked "What is your religion?", 88% replied that they were Muslims, 7% - Slavs, 21% - other Christian faiths, 1% - Buddhists, less than 0.5% - Jews, the remainder replying that they belonged to another religion, had no religion or did not know.

246. Under article 61 of the Constitution, "Religious organizations and associations shall be separate from the State and equal before the law. The State shall not interfere in the activities of religious associations".

247. On 1 May 1998, the Oliy Majlis adopted a new version of the Freedom of Conscience and Religious Organizations Act. Without doubt, it took account of the theoretical and practical experience of legal regulation of citizens' personal rights acquired in work done during the period 1991-1998.

248. The new Act introduces a number of social relations newly incorporated into the regulatory sphere, the emergence of which has been determined by time requirements. The social and economic situation in Uzbekistan is substantially different from that which prevailed before 1991, when the original Act was adopted with the form and likeness of a Soviet law. The situation required the adoption of external measures and the incorporation of changes which in no way restrict freedom of conscience in the true sense.

249. The President of the Republic has laid down the main guidelines in this sphere, as follows:

- a respectful attitude to the religious feelings of believers;
- recognition that religious beliefs are a private matter for citizens or their associations;
- guarantees of equal rights and the inadmissibility of persecuting citizens for professing or not professing religious views;
- the need to seek a dialogue with various religious associations so as to make use of their opportunities for spiritual renewal and the affirmation of universal moral values;
- recognition of the inadmissibility of using religion for destructive purposes.

250. There are currently four religious centres in Uzbekistan: the Maverannakhra Spiritual Administration for Muslims, the Central Asian Administration of the Russian Orthodox Church, the Central Asian Church of Seventh-Day Adventists and the Central Asian Church of Biblical Baptist Christians. Their legal status is governed by the norms and general principles of international humanitarian law and the national laws of Uzbekistan.

251. Data issued by the Ministry of Justice show that at the beginning of January 1999 applications had been received from 1,697 religious organizations, of which 1,559 were Muslim, 127 Christian and 11 of other denominations. On

25 December 1998, 21,258 religious organizations were registered, of which 1,156 were Muslim, 96 Christian and 6 Jewish. Registration was refused to 301 religious organizations because they did not meet institutional requirements.

252. Close links have been established between the Government and religious organizations. An example of this is the work of the Maverannakhra Spiritual Administration for Muslims. The Uzbek Government organized the return of the most holy book of Maverannakhra Muslims - the Khalifa Osman Koran - to the Spiritual Administration. For the first time in Uzbek Statehood, the Koran has been translated into Uzbek. The Spiritual Administration publishes a number of periodicals, among which special mention may be made of the newspaper "Islom Nuri" and the magazine "Musulmane Maverannakhra". The Government is funding the restoration and reconstruction of local holy places: the Bakhauddin Mosque and the Mir Arab in Bukhara, the Imam al-Bukhor mosque in Samarkand, the al-Fergonii places of worship in Fergana, the Imam at-Termezii mosque, and others.

253. When Uzbekistan gained its independence, Muslims were given a genuine and legal opportunity to go on a pilgrimage to the Muslim holy places in Mecca and Medina. For seven years now, some 3,000 pilgrims have completed the great and small Hajj (Umra). Organizational questions relating to the pilgrimage (currency exchange, provision of transport, various social welfare arrangements) are handled by the Government as a matter of priority. The most recent Resolution of the Cabinet of Ministers on this subject was adopted on 8 January 1999. It instructed various ministries and departments to provide assistance to pilgrims. In order to simplify currency conversion, compulsory purchase of foreign currency to the value of 1,380 United States dollars was instituted.

254. In pursuance of paragraph 6(h) of the Declaration on the Elimination of All Forms of Discrimination Based on Religion or Belief, a Presidential Decree declared the first days of religious festivals - Ruza kait and Kurbon kait - were declared public holidays. The necessary amendments have been made to the Public Holidays in Uzbekistan Act and the Labour Code.

255. One of the largest religious faiths in Uzbekistan is the Russian Orthodox Church. Founded more than 120 years ago, the Orthodox Church now comprises more than 30 religious associations and a convent. Within the Ecclesiastical Diocese there is a seminar providing instruction for more than 20 ministers of the church. Orthodox believers celebrate all the holy days, particularly Easter, Christmas and Whitsun.

256. The Orthodox Church issues a number of publications, the largest of which is the newspaper "The Word of Life". To mark the 125th anniversary of the establishment of the Church, church buildings in Tashkent, Samarkand and Chirchik were restored and a new building was constructed for the Diocesan Administration.

257. Another large religious community in Uzbekistan is the Church of Baptist Christians, a union of 16 religious associations. Because of the substantial re-emigration of ethnic German Baptists at the beginning of the 1990s, the position of the Baptist Church has become somewhat weaker. In an effort to improve the situation, the leaders of the Union of Biblical Baptist Christians has embarked on a policy of active proselytization among the orthodox and Russian-speaking

population, widening its range and catchment area and approving new forms of reaching the population.

258. The newly formed Central Asian Church of Seventh-Day Adventists comprises 10 religious organizations. There are four Jewish synagogues in Tashkent alone: one for European Jews and three for Bokhara Jews. The Government does not fund the activities of religious organizations or activities promoting atheism.

259. Persons or groups imbued with fanaticism can provoke a broad wave of social destabilization, especially since mass participation brings a personal feeling of not being responsible for particular actions and confers on such movements the gloss of being a popular movement.

260. An obvious example is the events in Namangan at the end of 1997, when with the connivance of structures of power a group of shameless fanatics calling themselves Wahhabis committed a number of audacious and professionally planned crimes. The lack of control, inertia and at times simple cowardice of the institutions of power to a significant degree encouraged the activities of the extremists. There were more than 1,200 mosques in the Namangan region alone in 1997, only half of which were operating legally.

261. Because of the complexity of the social and political situation in the region, the law prohibits any activity by religion-based political parties or by branches and units of religious parties created outside Uzbekistan. A number of officials of religious organizations have been holding services in unregistered mosques without the necessary licences and in some cases have engaged in embezzlement and conversion of worshippers' donations. Examples of this have been recorded in the activities of the Buvaido mosque in the Buvaidin region (Imam Khatib R. Khalikov), Abdushukur Ogalik in Shahrisiabs (Imam Khatib I. Abdulkakhorov) and the Kurama, Dovudkhon Tura, Chem, Kutarik and other mosques. As a result, restrictions on the activities of religious organizations were established by law.

262. In the majority of cases, the events referred to above took place with the connivance and tacit consent of the local organs of power and administration. In order to increase the liability of their leaders, the liability of officials permitting the activities of unregistered religious organizations was established by law. Bodies which register religious bodies are responsible for verifying that their activities comply with their statutes.

263. The activities of religious organizations, sects and other groups promoting terrorism, drug dealing and organized crime, or pursuing other fundamentalist aims, are prohibited by law.

264. The events that occurred in Tashkent on 16 February 1999, when extremist elements set off a series of explosions in the capital, again confirmed the correctness of the path we have chosen. According to official figures, 13 people lost their lives because of the terrorist acts and more than 120 were injured in varying degrees of severity.

265. According to the Ministry of the Interior, as a result of lack of control on the part of the law-enforcement authorities in the Andzhan, Namangan, Surkhandarinsk and Khorezm provinces, a number of persons without any training

whatsoever and far removed from the ideas of the major religions carried out active propaganda aimed at undermining the spiritual foundations of society and the traditional religions. Z. Khudaiberganov, M. Davlettov and A. Tillyaev, who had neither a licence nor special training, indulged in this kind of activity.

266. In addition to the Constitution and the Freedom of Conscience and Religious Organizations Act, the international legal principles governing freedom of conscience are implemented in a number of other Uzbek legislative instruments, in particular, in the principles of the Penal Code. Article 145 of the Code, Violation of Freedom of Conscience, states that impeding the legal activities of religious organizations or the holding of religious rites shall be punished by a fine of up to 50 times the minimum wage, or deprivation of a specified right for up to five years, or corrective work of up to two years.

267. Recruitment of minors to religious organizations, and teaching them religion against their will or the will of their parents or persons *in loco parentis*, is punishable by a fine of from 50 to 70 times the minimum wage, or corrective work for two to three years, or deprivation of liberty for up to three years. Religious activities that involve hindering citizens from exercising their civil rights or fulfilling their civil duties, compulsory levying of dues and taxation of believers or measures demeaning personal honour and dignity, or compulsion to receive religious instruction even when a citizen explains his attitude to religion, to the profession or non-profession of a religion and to participation or non-participation in divine services, religious rites and ceremonies, as well as the organization of religious rites involving actual or moderate bodily harm, are punishable by a fine of from 75 to 100% of the minimum wage or rigorous imprisonment for up to six months, or deprivation of liberty for from three to five years.

268. Article 156 of the Penal Code, which also protects the rights and freedoms of believers, states that "premeditated acts demeaning national honour and dignity or offending citizens because of their religious or atheistic belief and committed with the aim of provoking enmity, intolerance or dissension towards population groups on national, racial, ethnic or religious grounds, as well as direct or indirect restriction of rights or the establishment of direct or indirect privileges as a result of their national, racial or ethnic affiliation or attitude to religion, shall be punishable by deprivation of liberty for up to five years".

269. An article 202-1 was added to the Penal Code under the Act on the Incorporation of Amendments and Additions to Certain Legislative Instruments of the Republic of Uzbekistan, dated 1 May 1998. Inducement to participate in the activities of public associations and religious organizations, movements or sects prohibited in Uzbekistan attracts a fine of from five to ten times the minimum wage or administrative detention for up to 15 days.

270. The wording of articles 240 and 241 of the Penal Code has been amended as follows:

> Article 240 (Breach of Laws relating to Religious Organizations) reads: "Carrying out unlawful religious activities, failure by leaders of religious organizations to register their statutes, the organization and holding, by ministers of religion and members of religious organizations,

of special children's and young people's meetings or labour, literary or other circles and groups unconnected with the holding of a service shall attract a fine of from five to ten times the minimum wage or administrative detention for up to 15 days.

The new version of article 241 reads: "Violating the system of teaching religious dogma, the teaching of religious dogma without special religious training and without the authorization of the central administrative authority of a religious organization, as well as the private teaching of religious dogma, shall attract a fine of from five to ten times the minimum wage or administrative detention for up to 15 days".

271. A new article 12 (Ensuring the Freedom of Conscience of Convicted Persons) has been added to the Penal Enforcement Code. It stipulates that convicted persons are guaranteed freedom of conscience and have the right to profess any religion or to profess none.

## Article 19

## Exercise of freedom of thought and opinion

272. Article 29 of the Constitution states: "Everyone shall be guaranteed freedom thought, speech and opinion. Everyone shall have the right to seek, obtain and disseminate any information, except information directed against the existing constitutional system and other restrictions specified by law. Freedom of opinions and their expression may be restricted by law only by reason of a State or other secret".

273. The Constitution guarantees the mass media free activity without censorship. In addition, it lays down liability for the trustworthiness of information disseminated.

274. Uzbekistan has 451 newspapers (65 national, 139 regional, 36 urban, 171 local and 40 large-circulation). Of these, 348 are published by the State, 62 are public and 41 are religious or commercial. There are also 115 magazines (100 national and 15 regional, of which 72 are published by the State, 26 are public and 17 are religious or commercial) and three press agencies.

275. In enshrining the human right to freedom of speech, the Constitution guarantees that right to every citizen. It states that freedom of speech may be restricted by law only by reason of a State or other secret (art. 29).

276. Two laws, the Freedom of Access to Information Act and the Protection of Journalists' Professional Activity Act, have been adopted in Uzbekistan. They have become another important step towards strengthening freedom of speech and the development of a free press.

277. Freedom to express one's opinion and freedom of thought, conscience and religion are guaranteed by articles 29 and 31 of the Constitution. These matters are also governed by the Freedom of Conscience and Religious Organizations Act of 14 June 1991.

278. Article 30 of the Constitution obliges State bodies, public associations and officials to allow citizens access to documents, resolutions and other

materials relating to their rights and interests. The Guarantees and Freedom of Access to Information Act governs relations arising during the exercise of the constitutional right of everyone freely and unhindered to seek, obtain, study, transmit and disseminate information. The Act guarantees the right of access to information to everyone. The State protects this right.

279. In defence of journalists' freedom of speech and interest and of the mass media, a Foundation for the Support of Democratization of the Mass Media has been set up, as has a Centre for the Retraining of Journalists, with the support of the Konrad Adenauer Foundation in Uzbekistan.

## Article 20

## Prohibition of propaganda for war

280. The priority of the universally recognized norms of international law is recognized in the preamble to the Constitution, article 17 of which states that Uzbekistan's foreign policy is based on the principles of equality, non-use of force or the threat of force, the inviolability of frontiers, the peaceful settlement of disputes, non-interference in the internal affairs of States and other universally recognized principles and norms of international law.

281. These principles are developed in article 57, which prohibits the formation and activities of political parties and other public associations disseminating propaganda for war. There have never been and never will be any nuclear weapons on the territory of Uzbekistan, which intends, as before, to remain a nuclear-free zone and not to join aggressive blocs or unions. Uzbekistan recognizes and intends unswervingly to comply with international instruments on human rights, non-aggression, and the non-use of force or the threat of force in the settlement of disputes. It has taken the initiative in proposing that Central Asia should be declared a nuclear-free zone.

282. The security of an independent State is ensured by its armed forces, established to defend its sovereignty and territorial integrity and the peaceful life and tranquillity of the population, and also through the adoption of collective treaties. Investigative and court practice in Uzbekistan has so far not recorded any cases of anyone being charged with or convicted of propaganda for war. Nor have any foreigners or stateless persons called for a war between Uzbekistan and any other countries.

## Article 21

## Freedom of peaceful assembly and grounds for restricting it

283. Under article 33 of the Constitution, "Citizens have the right to engage in public life by holding rallies, meetings and demonstrations in accordance with the laws of the Republic of Uzbekistan. Bodies of power shall have the right to suspend or ban such events solely on justified security considerations".

284. Citizens of Uzbekistan have the right to form trade unions and political parties and to take part in authorized mass movements, and no one has the right to infringe their rights or the rights of the opposition minority. Reasons in

accordance with the laws of Uzbekistan must be adduced if the holding of rallies or meetings is banned.

## Article 22

## Freedom of association

285. Article 34 of the Constitution proclaims the right to form trade unions, political parties and other public associations, and to take part in authorized mass movements. These rights are given specific form in the Public Associations Act of 15 February 1991 and the Trade Unions, their Rights and Guarantees of their Activities Act of 2 July 1992.

286. Trade unions are a very important component of civil society. The Constitution contains a special Chapter XIII devoted to public associations. Article 56 states: "Trade unions, political parties, scientific associations, women's, veterans' and youth organizations, creative unions, mass movements and other duly registered citizens' associations shall have the status of public associations in the Republic of Uzbekistan".

287. The organization and activities of public associations are regulated, inter alia, by: the Constitution (articles 56-62); the Public Associations in the Republic of Uzbekistan Act of 15 February 1991 (as amended on 3 July 1992 and 25 April 1997); the Act on Trade Unions, their Rights and Guarantees of their Activities of 2 July 1992; the Political Parties Act of 26 December 1996; the Freedom of Conscience and Religious Organizations Act of 14 June 1991 (as amended and supplemented on 3 September 1993); and the Resolutions of the Cabinet of Ministers on Regulation of the Registration of Statutes of Public Associations in the Republic of Uzbekistan of 12 March 1996 and on Confirmation of the Rules Governing the Consideration of Applications for Registration of the Statutes of Religious Organizations, the Procedure for Collecting Fees and the Scale of Fees of 18 January 1991.

288. The Justice Ministry has registered 210 national and international public associations under current legislation in the period from 1993 to the present. They include five political parties (the People's Democratic Party of Uzbekistan, the Vatan Tarakkieti Party, the Adolat Social Democratic Party, the Milliy Tiklanish Democratic Party and the Fidoiylar National Democratic Party) and two national movements (Khalk Birligi and the Assembly of Cultures of Central Asian People's Assemblies International Social Movement), as well as 46 societies, 5 committees, 24 associations, 20 trade unions, 15 unions, 33 foundations, 31 federations and 30 other organizations.

289. About 1,500 local public associations and departments of national public associations have been registered by regional judicial authorities. The Justice Ministry and regional judicial authorities have registered 2,638 religious organizations of various denominations, including 2,482 Muslim organizations, 1,119 Christian organizations and 37 other organizations. Following the adoption of the new version of the Freedom of Conscience and Religious Organizations Act in May 1998, the Cabinet of Ministers adopted a resolution on 20 June 1998 approving the Rules Governing the Consideration of Applications for the State Registration of Religious Organizations in the Republic of Uzbekistan.

290. Applications from 1,559 Muslim, 127 Christian and 11 other religious organizations (1,697 in all) have been considered under these Rules, resulting in the registration of 1,156 Muslim, 96 Christian and six Jewish organizations (1,258 in all). A total of 301 religious organizations were refused registration because of non-compliance with the requirements of the Rules (applicants were minors, governing bodies or number of directors not approved by the Committee for religious affairs, expiry of the one-month deadline for submission after adoption of the statutes, non-compliance of buildings with fire, health or other requirements). They were granted the right to apply again once the above shortcomings were rectified. Applications from 125 religious organizations are under consideration.

291. In December 1991 the Oliy Majlis adopted the Political Parties Act, which regulates the procedure for the establishment and activities of political parties. Although the term "public association" is used in Uzbek legislation, increasing use has also been made recently of the term "non-governmental organization". It should be noted here that these terms are identical in meaning. While "public association" has traditionally been used in Uzbekistan, "non-governmental organization" is used in developed countries abroad and international documents.

292. Article 34 of the Constitution provides for the right to form trade unions, political parties and other public associations, and to participate in mass movements, and these rights are made specific in the Public Associations Act of 15 February 1991 and the Trade Unions, their Rights and Guarantees of their Activities Act of 2 July 1992.

293. The membership of trade unions in Uzbekistan currently stands at 7.3 million. There are 66,000 primary union organizations. The largest sectoral unions are those for airmen, workers in the automobile industry, the agro-industrial complex and communications, employees of State and public organizations, and workers in the light and furniture industries, the energy complex, small, medium-sized and private enterprises, cultural organizations, metallurgy and mechanical engineering, trade and consumer services, public health, national education, transport and railways, and construction.

294. As well as the sectoral unions, the Uzbek Trade Union Federation comprises 12 regional trade union associations and one urban trade union association. In addition, there are 123 provincial and 738 urban sectoral unions. Its highest body is the Assembly, which meets every five years.

295. Special attention is being devoted to enhancing the role of women in trade unions. The Resolution of the Cabinet of Ministers of 18 February 1999 on the State programme of measures for 1999 to enhance the role of women in the family and the State and social fabric, and to improve the system for protecting their legal, social, economic and spiritual interests provides for practical assistance to be given in the implementation of measures by the Trade Unions Council for the advancement of women in trade unions, the implementation of the programme and increasing the skills of women trade union managers and leaders (para. 3.3), and the development and implementation of measures to train women, including training abroad, with a view to establishing a pool of managers for promotion to leading positions (para. 3.4).

296. This is demonstrated by the fact that a great many women occupy leading positions in trade unions. For example, the president of the Trade Union Federation and the leaders of five regional and five sectoral national unions are women. Women head 28.8% of regional sectoral unions (45 women), 20.5% of urban and district committees (130 women), and 454 primary unions. Five mother-and-child clinics, at which 568 women underwent medical treatment in 1998, are currently establishing unions.

297. The Uzbek Government helps in the establishment of the national offices of international non-governmental organizations. Various international NGOs and foundations have offices in Uzbekistan, including the Peace Corps, USAID, the Konrad Adenauer Foundation, the Eurasia Foundation and a number of other organizations. The Helsinki-based Human Rights Watch opened an office in July 1996, and in June of the same year a local NGO, the Committee for the Protection of the Rights of the Individual, was registered. The Social and Political Foundation to Support Democratization of the Mass Media, various sectoral and professional non-governmental public organizations, associations and foundations are operating successfully.

298. Lack of awareness among the people of their rights remains a major problem in human rights in Uzbekistan. There are problems in human rights education. The NGO movement is assuming some of the functions of educating and consulting the people in human rights matters. The Tashkent Social Education Centre, women's human rights organizations and environmental non-governmental foundations and organizations are all doing active educational work. NGOs provide assistance in organizing human rights seminars, courses and training sessions and carry out widespread information campaigns by issuing information bulletins, leaflets, document collections and manuals on human rights.

299. The Public Associations Act is in force in Uzbekistan, and a draft Act on non-governmental non-commercial organizations is in preparation. Public organizations for the protection of the rights of women, the handicapped and children are being created and are working actively.

300. Women play a huge part in the nation's public and social life. Most public and non-governmental organizations in Uzbekistan are set up by women. Hundreds of public women's organizations, including the Association of Business Women, the Soglom Avlod Uchun Foundation, the Uzbekistan Women's Committee, the Women's Resource Centre and others, are currently active in Uzbekistan.

## Article 23

## Socio-legal care and protection of the family

301. Uzbekistan has about 4 million families. Every year 234,000 young families are formed and 710,000 children are born. There are 5-6 family members on average in Uzbekistan. Uzbekistan has significantly more families with many children than other countries, and in fact the bulk of the population is made up of children and young people. More than 12% of Uzbek families have 10 or more children, although the proportion falls to 10% in rural areas.

302. According to Justice Ministry figures, the number of marriages and divorces recorded by registry offices was 171,530 and 20,320 respectively in 1996, 181,259 and 21,632 respectively in 1997, and 114,451 and 12,044

respectively in the first nine months of 1998. The family support system set up in Uzbekistan takes full account and makes full use of national traditions, ensuring democracy, objectivity and openness in the adoption of decisions concerning the granting of material support.

303. Uzbekistan has a population of almost 24 million. It is significant that family property, not including family capital in the form of cash and securities, forms nearly 20% of the national wealth. Experts calculate that 52% of GNP is consumed by families.

304. Figures for 1997 show that Uzbek families bring up an average of three children up to 16 years of age and above and that the cost of raising them accounts for a substantial part of the family's expenditure. These costs, especially for the younger generation's education, value inculcation and spiritual development, will rise as market conditions develop. Despite the difficulty of the transitional period, Uzbekistan is carrying out a policy directed at the social protection of the family, and especially of poor families with many children.

305. The family is protected by society, social security being effected through the provision of both material and moral assistance by various foundations and public organizations. Among these foundations, special mention may be made of the work of the Makhallya, Navruz, Ekosan, Aral, Sharaf Rashidov foundations and the Red Cross and Red Crescent Society.

306. The State has established 14 different types of grant, depending on the family's situation. Uzbekistan has a uniform social family support system which provides monetary grants from the State budget and material assistance to needy families through the historically traditional Uzbek bodies of citizen's self-government - the makhallyas. Payments are made directly to poor families in the form of material assistance and to families with children in the form of grants, providing supplementary income for needy families. In the current year alone, the State has allocated more than 21 billion som through citizen's self-government bodies. Forty per cent of all expenditure from the Uzbek budget is allocated to social and cultural programmes and social security.

307. Soglom Avlod Uchun, an international non-governmental charitable foundation, was founded in 1993. Its principal aims are to promote good health among the rising generation, to protect mothers and children, to carry out a number of measures aimed at the spiritual development and the cultural and physical improvement of the individual, and to bring up a healthy and harmoniously developed generation of Uzbek citizens. The foundation's many-faceted work is carried out through its 14 regional offices and more than 100 support stations operating in most of the country's districts.

308. Most of its programmes receive State support and the relevant resolutions are adopted to ensure their implementation in practice. Thus, at Soglom Avlod Uchun's suggestion, the Cabinet of Ministers adopted a resolution on 22 February 1996 on the establishment of a system of medico-social patronage in Uzbekistan. Under the resolution, the Foundation, together with the Ministry of Health and khokims' offices, has set up a system which now comprises 14 mobile units providing medico-social assistance to the population. The programme covered more than 100,000 families, mostly women and children, in two years. It was

substantially expanded in 1998 in connection with the implementation of the Government's "Year of Family Interests" programme. Special attention is being devoted to direct aid and work with particular families.

309. Following research carried out and proposals prepared by the Foundation, the Uzbek Government approved a national mother-and-child health monitoring programme for the period 1997-2001 aimed at earlier detection and prevention of births of babies with congenital abnormalities. Implementation of the programme began with the environmentally unfavourable region of Karakalpakia. Regional centres are being opened in other regions under the programme.

310. A Presidential Decree has been adopted on this subject to apply the positive experience gained. 1998 was declared the Year of the Family in Uzbekistan. In order to increase State support and the systematic protection of the legal, social, economic, spiritual and moral interests of families, and to improve their well-being, a State programme of measures to promote families' interests, comprising a range of State guarantees and family social protection measures, has been prepared and approved. The Uzbekistan Women's Committee is carrying out a widespread information campaign not only among women but also among members of their families, especially their husbands.

311. The Ministry of Health carries out a broad range of measures, including active information work and training in family planning methods. Work on solving family planning problems is coordinated by the National Family Planning Centre and carried out by regional centres of the Soglom Avlod Uchun Foundation, as well as the Labour and Social Security Committee of the Oliy Majlis.

312. The system for the social protection of citizens receiving fixed incomes and of vulnerable segments of the population was developed further in 1997. In implementing the programme of social support for poor segments of the population, particular attention has been devoted to the provision of grants to families with children. Whereas child benefit was previously paid to all families irrespective of their financial situation, from 1 January 1997 it was allocated, by decision of makhallya committees, only to poor families. More than 630,000 sets of educational accessories worth 767 million som were distributed to pupils in the first class. More than 373,000 primary-school pupils from poor families received assistance in the form of full sets of winter clothing worth 1,072 million som. The amount of material assistance provided by the State to poor families rose 1.8 times and averaged 1,070 som. More than 14% of families received this assistance.

313. By Resolution No. 45 of 27 January 1998, the Cabinet of Ministers adopted the State programme of measures to promote the interests of the family. Its aim is to enhance families' participation in transforming society, to increase State support, systematically to protect the legal, social, economic, spiritual and moral interests of families, and to improve their well-being.

314. The new Family Code of Uzbekistan was adopted as a result of considerable changes in the set of social problems under the constraint of time. The Code was prepared and adopted with the active participation of a number of governmental and non-governmental organizations. Some 4,000 proposals concerning the draft text were received. Following their incorporation, the new Code was adopted and approved by the Oliy Majlis on 30 April 1998. A number of new provisions were

introduced by legislation in the sphere of the legal relations being regulated, the most important of which were the introduction of a marriage contract, a more effective system for protecting women's rights, clear definition of the property rights of spouses, and defence of the rights of children. The procedure for marriages is laid down in article 13 of the Code.

## Article 24

## Protection of children's rights and freedoms

315. From the first days of its independence, Uzbekistan has set the health of the rising generation as a principal development priority. The main priorities in reforming public health services are a major systemic transformation of the entire mother-and-child protection system, new approaches to family planning, and a strong social policy in support of the development of nationwide paediatric services. One of the first instruments ratified by Uzbekistan was the Convention on the Rights of the Child, not only because of the deep ideological reform of Uzbek society, but also to a considerable extent because of cultural tradition.

316. The President's policy of supporting foundations such as Kamolot, Umid, Soglom Avlod Uchun and the Children's Foundation in itself represents an important contribution to the creation of new opportunities for the development and social protection of children and young people. Due attention is devoted in Uzbekistan to parental responsibility, rights and duties and to members of extended families, i.e. families with which the older generation also resides.

317. The State ensures that children live with their parents, except in cases where the competent authorities decide, pursuant to a court ruling, that to separate a child from his or her family, in accordance with the procedures laid down by law, is necessary in the child's interests, i.e. in cases where the parents are cruel to or neglect the child, or when a decision must be made about the child's residence when the parents live apart.

318. The present system of support for poor families is intended to a large extent to help families with children, and principally those with many children. About 80% of families receiving these grants are families with children. The grant is rather high, amounting to between 1.5 and 3 times the minimum wage, and was provided to more than 10% of families living in Uzbekistan in 1998. The procedures for approving and paying these grants have much in common, and families receiving one type of grant are not precluded from receiving another.

319. The establishment of a national system of social support for families with children, the legislative base and the measures taken by the Government of Uzbekistan to improve the situation regarding protection of children's rights are all evidence of the fact that Uzbekistan adheres strictly to international principles and obligations in ensuring the implementation of the Convention on the Rights of the Child.

320. Makhallyas cooperate closely with local internal affairs authorities, the procurator's office and judicial bodies to prevent the spread of drug addiction and alcoholism among children, and carry out various joint measures. When anti-social behaviour is found among young people, their parents and teachers are

summoned to a makhallya meeting, at which the problem of their rehabilitation is discussed.

321. Uzbekistan ratified the Convention on the Rights of the Child on 6 December 1992, thereby assuming the obligation to comply with all its provisions and bear liability before the international community. Legislative, administrative and other measures are being taken in order to bring State policy on children into line with the provisions of the Convention. The legal status of children in Uzbekistan is governed by the standards laid down in the Family Code of 30 April 1998, the Administrative Liability Code, the Civil Code of 29 August 1996, the Labour Code of 1 March 1994, the Civil Code of 1 July 1997, the Citizenship Act of 2 July 1992, the Public Associations Act of 15 February 1991, the Education Act of 2 July 1997, the Protection of Citizen's Health Act of 29 August 1996 and the Social Security Coverage for the Handicapped Act of 23 September 1993.

322. The Human Rights Commissioner has carried out checks in the Tashkent region concerning compliance with the provisions of the Convention. These revealed a number of problems, in particular the fact that State bodies are insufficiently informed about the Convention's contents and thus do not always respect it. There is sometimes a lack of medicines, equipment and foodstuffs for children, no drinking water, and health and sanitary conditions in individual kindergartens, schools and hospitals which do not meet the necessary requirements.

323. The checks found instances of violations of the procedures for adoption and for family children's homes and schools concerning realization of children's rights in the spheres of education, rest and leisure and cultural development. Individual shortcomings in school teaching and educational practices were revealed, and a shortage of highly qualified senior teachers was noted. All this has the potential to lead to an increase in juvenile delinquency. Cases were found of children being detained, arrested and held in custody without being able to exercise their rights to a defence, unworthy treatment and unlawful investigation methods, all of which demonstrate the need for measures to be taken to promote a culture of legality among workers in law-enforcement agencies. Consequently, appropriate recommendations have been prepared for the ministries of public health, education and social security and the Tashkent regional khokim's office.

324. Juvenile delinquency rates are falling in Uzbekistan. In 1997 delinquency declined by 1.7% compared with 1996, and the number of offenders fell by 0.7%. In some regions, however, juvenile delinquency increased because of inefficiency in the work of law-enforcement agencies. It rose, in particular, by 17.6% in the Tashkent region, by 25.6% in the Namangan region, and by 42.4% in the Dzhizak region. The number of robberies is higher in the Samarkand and Namangan regions than elsewhere. The reasons for the above facts were the lack of qualifications of employees of law-enforcement agencies and the inadequacy of preventive measures among unemployed young people and students. Cases of unauthorized detention of minors by law-enforcement agencies have been revealed.

325. In 1997, checks were carried out by general monitoring methods on a total of 2,345 cases concerning implementation of the laws relating to minors. There were 576 objections, 618 instructions, 1,054 warnings and 1,928 submissions in

matters relating to the prevention of offences. In order to ensure the legal protection of minors, 2,023 officials were brought to disciplinary, administrative and material account. Eighty-seven criminal cases were brought against officials for offences committed in enforcing laws relating to minors.

326. The Soglom Avlod Uchun non-governmental charitable foundation, which was set up following the foundation of the first Soglom Avlod Uchun Order of the Republic of Uzbekistan, was established to optimise the solution of children's problems. Its principal aims are to promote good health among the rising generation, to protect mothers and children, to carry out a number of measures aimed at the spiritual development and the cultural and physical improvement of the individual, and to bring up a healthy and harmoniously developed generation of Uzbek citizens. To promote the all-round psychological, physical and moral development of the rising generation, the Foundation has prepared a comprehensive programme of support for gifted children and has founded two children's newspapers and a national children's college. It also assists the State in the material and technical equipment of children's and medical establishments.

327. A project for the construction of a children's village for orphans in Uzbekistan has been developed jointly with the international organization SOS - Children's Villages International. The youth foundation Kamolot, a self-financing NGO, promotes the all-round development of the new generation by taking part in the social protection of youth and ensuring the necessary conditions for access to education. A Social Insurance Fund financing pensions and grants, including childbirth grants, has been set up. Reform of the system for assistance to poor families and families with children was started in the second half of 1994. A uniform system of grants for children up to 16 years of age, with a sliding scale depending on the number of minor children in the family, has been developed and brought into effect. In accordance with Cabinet of Ministers Resolution No. 319 of 24 June 1994, handicapped children up to 16 years of age and handicapped children in Groups 1 and 2 receive grants amounting to 100% of the minimum pension by age.

328. The most important measure aimed at strengthening the social protection of handicapped children is the State programme for the rehabilitation of the handicapped for the period 1996-2000, adopted in 1995. More than 40 ministries, departments, foundations and other public organizations are taking part in the implementation of the programme. It provides for prevention of handicaps, medical and social rehabilitation of handicapped persons and their training in various specialities and physical training, as well as training of teams to work with handicapped persons, the manufacture of prosthetic items and the resolution of other matters relating to rehabilitation of the handicapped.

329. Matters relating to the provision of Braille and recorded textbooks to visually and aurally impaired children are settled by the Ministry of Public Education. A "Schedule for the Blind" for children in the early classes and a special teaching programme for blind children in the senior classes have also been developed.

330. There are five residential homes for psychologically and physically backward children in Uzbekistan. Children's units have also been established in residential homes for handicapped women. The total number of places in these

homes is 1,800. They are situated in Tashkent and various other regions, and are built to provide 8 square metres of useful space per resident.

331. The main purpose of children's residential homes is to provide full State-funded maintenance for handicapped children. Handicapped children living in these homes are provided not only with food, clothing and optimal living conditions, but also with continuous medical supervision and regular treatment. They are covered by special general-education and vocational-training programmes. Sports events are held with a view to special and medical rehabilitation - for example, children at the First Tashkent Residential Home often take part in the International Spartan Games, and some have won prizes. Physical training is organized at the highest level at this home, taking place in specially equipped premises under the guidance of qualified specialists.

332. Determined efforts are being made to prevent pre-natal infant mortality and birth defects. Pre-natal centres and centres for the newborn, as well as resuscitation and intensive-care units for babies in the first month of life, have been set up.

333. There are currently 238 academies, 136 grammar schools of the new type, 442 colleges, 209 vocational schools, 180 vocational academies and 53 business schools in Uzbekistan, with a total of 197,000 students and 16,000 teachers. The higher educational system comprises 58 higher educational establishments (16 universities and 42 institutes), with an enrolment of 164,000 students. According to Ministry of National Education figures for 1998, 5,611,725 pupils attended 9,627 general-education schools, with 30,529 at 221 primary schools, 491,483 at 1,846 incomplete secondary schools, and 4,898,454 at 6,989 general secondary schools. There are 30 charitable homes accommodating 4,336 children. Education for 16,811 children is being provided in 82 special residential schools.

334. The National Cadre-Training Programme, which comprises three phases, was adopted on 29 August 1997. In the first phase (from 1997 to 2001), it is planned to create the scientific, methodological, material and technical conditions for training reform and development. The second phase (2001 to 2005) will see the implementation of the programme's goals and purposes, while the third phase (2005 and subsequent years) provides for development of the cadre-training system based on the analysis and application of experience gained.

## Article 25

## Prohibition of discrimination in the exercise of civil and political rights

335. The Constitution of Uzbekistan states: "All citizens of the Republic of Uzbekistan shall have equal rights and freedoms and shall be equal before the law without discrimination on grounds of sex, race, nationality, language, religion, social origin, beliefs or individual and social status" (art. 18).

336. The Political Parties Act was adopted on 26 December 1996 in order to secure the right of citizens to exercise their political rights. Article 1 states that a political party is a voluntary association of citizens of the Republic of Uzbekistan, formed on the basis of common views, interests and ideas, striving to realize the political will of a particular segment of society

in constituting bodies of State power and taking part through its representatives in the conduct of State and public affairs.

337. The five major political parties in Uzbekistan today are: the People's Democratic Party of Uzbekistan (PDPU), the Vatan Tarakietti Party, Adolat, Milliy Tiklanish and Fidokorlar. Membership of these parties varies between 470,000 (PDPU) and 7,000 (Fidokorlar).

338. Political parties operate in accordance with the Constitution, the Political Parties Act, other legislative instruments and their own statutes. The aim of their establishment and activities is to secure citizens' rights and freedoms based on the free expression of will, voluntary assumption and relinquishing of party membership, equal rights of members, self-administration, legality and openness.

339. The law prohibits the establishment and activities of political parties:

(a) that seek a violent change in the constitutional order;

(b) that oppose the sovereignty, integrity and security of Uzbekistan or citizens' constitutional rights and freedoms;

(c) that advocate war or social, national, racial or religious hatred;

(d) that infringe the people's health or morality;

(e) on national or religious grounds.

340. Any limitations of citizen's rights, or equally any privileges or advantages, on grounds of party affinity, are prohibited. Judges, procurators and investigators in the procurator's office, employees of internal affairs authorities or the national security service, military personnel, citizens of foreign States and stateless persons may not join political parties. Political parties have a fixed individual membership.

341. The Government guarantees protection of political parties' rights and legitimate interests and creates equal legal opportunities for them to fulfil their statutory aims and purposes. Bodies of State power and administration, enterprises, institutions, organizations and their officials are prohibited from interfering in political parties' internal affairs or hampering their activity in any way if it is exercised in accordance with the law and their statutes. No interference by political parties in the activities of State bodies or officials is permitted.

342. The organizational measures of political parties are carried out mainly outside the working hours of their members and are funded by their own resources. Private employers are prohibited from requiring their employees to engage in political activity on behalf of a party while carrying out their duties at work. Labour, social security and social insurance laws apply to officials of political parties.

343. The formation of a political party requires at least 5,000 signatures by citizens resident in at least eight territorial entities (regions), including

the Republic of Karakalpakstan and the city of Tashkent, who wish to join together in a party.

344. The persons sponsoring the establishment of a political party (who should be not less than 50 in number) must form an organizing committee to draft the party's statutory documents, draw up its membership and convene a constituent assembly or conference. The organizing committee is obliged, no later than seven days after its constitution, to inform the Justice Ministry in writing of its initiative, membership, leader, place of work and the date on which the constituent assembly or conference has been convened.

345. The organizing committee has the right to work for a maximum of three months from the date of its formation. The political party is established at the constituent assembly or conference, which adopts the party's statutes and programme and sets up its elected bodies. Political parties are registered by the Justice Ministry upon presentation of the following documents within one month of the adoption of their statutes:

an application signed by at least three members of the party's organizing committee;

the statutes;

the programme;

the minutes of the constituent assembly or conference;

a bank document confirming the payment of the statutory registration fee;

documents confirming compliance with legal requirements, including a list of 5,000 Uzbek citizens who have expressed a desire to join together in a political party, with their signatures, details of members of elected bodies (first name, patronymic, last name, year of birth, place of residence and work, telephone number), and a resolution of the party's highest body authorizing members of its governing body to represent the party in the registration process or in court disputes.

346. The application for registration must be considered within two months from its reception, when a decision is taken to register or refuse to register the party. The decision is handed or posted to the party's governing body no later than three days after it is taken.

347. Political parties acquire the rights of a legal person and may become active from the day of their registration. Any changes or additions to a party's statutes must be registered under the procedure and within the time-limit laid down for registration of statutes. Registration of a political party is announced in the mass media.

348. A political party may not be registered if its statutes, aims, purposes and working methods contravene the Constitution, the Political Parties Act or other legislative instruments, or if a political party or public movement with a similar name has already been registered. If a political party is refused registration, the Justice Ministry must inform an authorized member of the party thereof in writing, indicating which legislative provision is contravened by the documents submitted.

349. Authorized members of a political party's managing body have the right to re-apply to the Justice Ministry for registration within one month of a refusal to register the party, provided that the documents have been brought into full compliance with the constitution and laws of Uzbekistan. An appeal against a refusal to register a political party may be lodged with the Supreme Court in accordance with the procedure laid down.

350. If a political party contravenes the Constitution, the Political Parties Act, other legislative instruments or its statutes, the Justice Ministry must inform its managing bodies thereof in writing, indicating which legislative or statutory standards have been violated and laying down a deadline for the elimination of these violations. If they have not been eliminated by the deadline, the Supreme Court may suspend the activities of the party for up to six months on the proposal of the Justice Ministry or the Procurator-General. During such a suspension the party may not use the full resources of the mass media, campaign or conduct propaganda, or participate in elections.

351. The activities of a political party are terminated:

- by its own dissolution under its statutes, its highest body being required to inform the Justice Ministry thereof within three days;

- by decision of the Supreme Court on the proposal of the Justice Ministry or the Procurator-General, if the party has committed acts referred to in the second part of article 3 of the Political Parties Act or has repeated acts for which its activities were suspended within one year.

352. The termination of a political party's activities takes place on the day on which it is officially announced in the mass media by the Ministry of Justice.

353. Party factions in the Oliy Majlis are formed at constituent assemblies of deputies nominated by parties, for the organized pursuit of the policies of their parties. Factions are registered by the Oliy Majlis following an application by the leader of the faction and the submission of the constituent documents.

354. A party faction in the Oliy Majlis has the right to:

- participate in drafting the agenda for the session;

- have one of its representatives speak in the debate on every agenda item;

- request information from the President of the Oliy Majlis and the Uzbek Government, ministries, departments and the leaders of other state bodies;

- put forward proposals for candidates for election as leaders of the Oliy Majlis and chairmen of committees and commissions;

- disseminate the faction's views on the matters being discussed at the session among deputies;

- carry out the other functions laid down in legislation for deputies of the Oliy Majlis.

355. The leader of a party faction is a member of the Kengash of the Oliy Majlis. The Secretariat of the Oliy Majlis provides organizational, technical and other services for the activities of factions. The State may subsidize the participation in elections of political parties. Monitoring of the compliance of political parties' activities with the Constitution, the legislation and their statutes is the responsibility of the Ministry of Justice.

356. The minimum age for Uzbek citizens to acquire the active and passive right to vote is 18 (the legal age of majority).

## Article 26

## Equality of rights before the law

357. According to the social survey "Public opinion in Uzbekistan" carried out by Stephen Wagner, a member of the International Foundation For Election Systems (IFES), most people living in Uzbekistan believe that the authorities in general respect their rights, with 48% of respondents believing that the authorities began to take a more respectful attitude to human rights from the moment of the proclamation of independence (only 16% said that the authorities became less observant of human rights). Fifty-nine per cent of respondents state that the authorities respect their rights "sufficiently" or "fully", while a third (32%) felt that human rights are respected "very little" or "not at all" in Uzbekistan.

358. The bulk of the Uzbek population clearly hopes that the situation of law and order in the country will improve in the next 12 months (64% of respondents consider that it will, while only 5% think that it will deteriorate). This optimism is, however, to some extent conditioned by the nationality of the respondent. While the proportion of ethnic Uzbeks expecting an improvement over the next 12 months is 64%, only 38% of ethnic Russians hold this view. While 48% consider that there is no need to restrict civil and political rights to bring about social order and discipline, 37% think that such restrictions are necessary.

## Article 27

## Rights of minorities

359. The Constitution guarantees equal rights for all citizens irrespective of national and ethnic, religious or linguistic affinity. All citizens are equal before the law. The population of Uzbekistan includes Koreans, Russians, Tatars, Meskhetin Turks, Jews, Bashkirs, Ukrainians, Germans, Poles and other nations and nationalities. All nations and nationalities are accorded equal rights for the development of their cultures, the study of their national languages, and their national attributes and traditions. The conditions are created for the development of national schools at which representatives of national minorities can receive education in their native language. There are schools in Uzbekistan

providing education in Korean, Kazakh, Kyrgyz, Russian, German and other languages.

360. Uzbeks and Karalpaks accounted for 76.4% of the population of 23 million (almost 18 million). Two ethnic groups have more than a million members: Russians (1.3 million, or 6%) and Tadzhiks (about 1 million, or 4.8%), and there are six with between 500,000 and a million, the largest being Kazakhs (0.9 million, or 4.1%) and Tatars (0.3 million, or 1.6%). There are 15 ethnic groups with between 10,000 and 100,000 members, 17 with between 1,000 and 10,000 members, and 85 with between 10 and 1,000 members. Overall, representatives of more than 20 nations and nationalities live in Uzbekistan.

361. Ethnic population levels and density vary among the 14 basic territories of the country. The number of ethnic groups represented in the urban and rural population respectively is 7 and 85 in the Kashkadarin region, 111 and 90 in the Samarkand region, 97 and 92 in the Tashkent region, 75 and 74 in the Fergana region, and 75 and 70 in the Khorezm region. Another indication of the special multi-ethnicity of Uzbekistan is the fact that there is little difference in the figures for urban and rural areas. The highest concentration of non-Uzbeks is to be found in Tashkent (more than 110 ethnic groups), but even here Uzbeks form more than half of the population. As representatives of the titular nation, Uzbeks are far more numerous than other ethnic communities, forming from 52.1 to 95.6% of the population in all regions except in the Republic of Karakalpakstan (which has a population of more than 1.5 million), where they account for one-third of the population.

362. More than 5.5 million Uzbeks live in the most densely populated region, the border area of the Fergana valley. The statistics on the ethnic structure of the population in the Samarkand and Bukhara regions, where Uzbeks account for 87.7 and 81.6% of the population respectively, are unequivocal. This leads to the conclusion that the position of Uzbeks as the ethnological nucleus of the ethnic structure of the newly independent State's population is a stable one and that, consequently, the intensive formation of the modern Uzbek ethnic group within Uzbekistan is now complete.

363. Nevertheless, a large number of ethnic Uzbeks (approximately 6 million) live abroad. They represent 24.4% of the population in Tadzhikistan, 13.8% in Kyrgyzstan, 9% in Turkmenistan and 2.5% in Kazakhstan. Outside the CIS, the largest number of Uzbeks living abroad is in Afghanistan (up to 10% of the population), followed by Saudi Arabia, Turkey, Russia and Ukraine.

364. Every State has the right - without departing from generally accepted international legal principles - to establish its own values in relation to its mentality, specific attributes and cultural traditions. In the present phase, Uzbekistan's task is to create a culture directed towards the development of respect for and observance of human rights at the national level. The Constitution guarantees equal rights for citizens of all nations and nationalities, of which there are more than 100 in Uzbekistan. Each nation has every opportunity to exercise its cultural rights and to develop and promote its culture. Every citizen has the right to be educated in his or her native language and to observe his or her national and cultural traditions. Uzbek citizens have the right to establish national cultural centres and societies and national theatres, and to develop their national arts, trades and crafts.

365. National cultural centres are working to develop national cultures in Uzbekistan. At the end of 1966, 40 such centres were registered in Tashkent and regions and districts of Uzbekistan. The Republican International Cultural Centre was set up in 1992 by a decision of the Government, to coordinate the activities of national cultural centres and assist State bodies and public organizations in studying and meeting the cultural needs of national groups living in Uzbekistan. Its functions include:

- providing practical and methodological assistance to national cultural groups;

- promoting the revival and development of national traditions, customs and ceremonies and the all-round development of the cultures and spiritual values of peoples living in Uzbekistan;

- establishing and developing links and cooperation with international cultural centres in the CIS and other countries;

- promoting the international rapprochement of nations and nationalities and the harmonization of international relations.

366. One of the most significant measures to emerge in the period of independence has been the holding, organized jointly with national cultural centres, of national traditional arts festivals. In these festivals, each national group is offered the best stages in the capital, in order to demonstrate and promote its art. These festivals lead to the mutual enrichment of cultures and the development of mutual understanding among the various nations and nationalities living in Uzbekistan.

367. Exhibitions of national and popular arts, displaying the cultural achievements of various peoples, are held regularly in Uzbekistan. A major event in the development of national cultures was the scientific and practical conference on cultural matters affecting inter-national relations, held in March 1995 by the Tashkent khokim's office together with the international cultural centre and the "Manaviyat va Marifat" social centre.

368. The Government of Uzbekistan provides support for the development of Uzbek national crafts. A Special Presidential Decree grants a number of privileges to Ustoz, an association which was set up to develop tradition Uzbek crafts. Steps are being taken to develop traditional Uzbek art and culture and revive ancient cultural traditions.

369. Representatives of any nation may receive higher education. The ranks of scientists, engineers and teachers include representatives of all nations and nationalities.

370. The membership of the Oliy Majlis, the Cabinet of Ministers and other government institutions is inter-national, comprising representatives of all nationalities of Uzbekistan.

371. Representatives of national minorities take an active part in national economic and social life. About half of all directors, chief engineers and

senior officials at enterprises, institutions and organizations are representatives of a non-indigenous nationality.

372. Occupying as it does an extremely important geopolitical position, Central Asia has always been in a zone of influence of various geopolitical and national interests, and this has almost always determined the course of the prevailing socio-economic and political processes. In the past few years alone, the region has experienced the consequences of the civil war in Tadzhikistan, and of the two smaller but no less ill-omened ethnic conflicts in Uzbekistan and Kyrgyzstan. As a result of the conflicts, some 46,000 Meskhetin Turks crossed into Azerbaijan and about 25,000 left for Russia. In the early 1990s, because of economic difficulties, through fear of inter-ethnic conflicts and for a number of other reasons, more than 16,000 ethnic Germans left Uzbekistan for Germany, some 164,000 Crimean Tatars emigrated to the Crimea, more than 45,000 people went to Russia and about 12,000 went to Kazakhstan. An extremely complex situation developed in virtually all CIS countries. According to Western experts, a number of social, economic and political reasons caused more than 2 million people to leave their place of residence.

373. Through its national policy, Uzbekistan confirms its adherence to the ideals of the Universal Declaration of Human Rights relating to non-discrimination and tolerance. Uzbekistan, which became a party to the International Convention on the Elimination of All Forms of Racial Discrimination on 7 March 1996, pursues a policy of eliminating all forms of racial discrimination. Furthermore, it actively supports initiatives taken by national minorities for the revival and development of national cultures.

374. In 1998, 24 national cultural centres were registered and six were in the process of registration in Uzbekistan. Although no special law has been adopted to protect the rights of national minorities, their rights are protected by a number of constitutional principles (articles 4, 8, 18 and 21 of the Constitution).

375. Uzbekistan is a unitary State which also has the attributes of a federation. It includes the Republic of Karakalpakstan, which covers an area of 164,900 km$^2$ and has a population of 1,560,000. Its incorporation into Uzbekistan resulted from a number of objective historical, geographical, ethnic, cultural and linguistic factors, including the Declaration on the National Sovereignty of the Republic of Karakalpakstan of 14 December 1990 and its Constitution, article 1 of which legally enshrines its incorporation into the Republic of Uzbekistan.

376. As a sovereign Republic, the Republic of Karakalpakstan adopts a Constitution (adopted on 9 April 1993) through its authorized representatives, independently resolves matters relating to its administrative and territorial structure, and determines its system of bodies of State power and administration in accordance with the principle of separation of powers. Under the Constitutions of both States, mutual relations between the Republic of Uzbekistan and the Republic of Karakalpakstan are governed by treaties and agreements. Conciliation procedures are laid down for the settlement of any disputes. As a subject of State relations, Karakalpakstan has all the attributes of sovereignty, in other words, has its own supreme bodies of State power and administration and courts, which are established in accordance with its own

laws. Citizens of the Republic of Karakalpakstan are at the same time citizens of the Republic of Uzbekistan and have similar rights and duties.

## Annex 1

### WORKING GROUP FOR THE PREPARATION OF THE NATIONAL REPORT

| | |
|---|---|
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| V.I. ISMAILOV | Chief, Human Rights Analysis and Research Department |
| G.I. RAKHIMOVA | Chief Consultant, Human Rights Analysis and Research Department |
| N.O.AZIMOV | Chief Consultant, Human Rights Education Department |
| Z.B. NORBOEV | Chief Consultant, International Cooperation Department |
| V.Y. TILYAEV | Senior Specialist, Human Rights Education Department |

## Annex 2

## NATIONAL AND GOVERNMENTAL REVIEW BODIES

Office of the President of the Republic of Uzbekistan

Office of the Human Rights Commissioner (Ombudsman) of the Oliy Majlis of the Republic of Uzbekistan

Institute for Monitoring Current Legislation reporting to the Oliy Majlis of the Republic

Institute of Strategic and Interregional Studies reporting to the President of the Republic of Uzbekistan

Ministry of Foreign Affairs of the Republic of Uzbekistan

Ministry of Justice of the Republic of Uzbekistan

Ministry of Internal Affairs of the Republic of Uzbekistan

Office of the Procurator of the Republic of Uzbekistan

Ministry of Macroeconomics and Statistics of the Republic of Uzbekistan

Ministry of Social Security of the Republic of Uzbekistan

Ministry of Public Education of the Republic of Uzbekistan

Ministry of Public Health of the Republic of Uzbekistan

Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan

Council of the Trade Union Federation of the Republic of Uzbekistan

Women's Committee of the Republic of Uzbekistan

Association of Judges of the Republic of Uzbekistan

Association of Lawyers of the Republic of Uzbekistan

Soglom Avlod Uchun Foundation

Committee for the Protection of the Rights of the Individual